Programs Branch User Report

Solicitor General Canada
Ministry Secretariat

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NATIVE CRIMINAL JUSTICE RESEARCH ISSUES AND DATA SOURCES

NO. 1987-03

This working paper was prepared under contract in 1985 and revised in 1987 for the Research Division.

This working paper is available in French. Ce document de travail est disponible en français.

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INTRODUCTION

The Research Division of the Ministry Secretariat is concerned with assisting in the development of Native justice research in Canada in order to fill critical information gaps. Many research difficulties in the area relate to the availability, quality, and completeness of information. This project was commissioned, therefore, to document and assess the applicability of existing data sources relating to Native justice issues. Specifically, the terms of reference outline the objectives as:

> "the identification of data sources, availability of data and a strategy for data collection in the areas of urban-rural Native crime patterns, Native inmates and Native juvenile offences."

It is anticipated that this project will provide information which will be of benefit to the Ministry of the Solicitor General and to other departments and organizations involved in Native criminal justice research.

A. Scope

The terms of reference involved the following tasks:

1. To identify research issues and questions relating to Native male and female inmates in federal correctional institutions, Native male and female young offenders, and urban/rural crime patterns;

2. To identify and assess existing data sources at the federal and (where applicable) at provincial and other jurisdictional levels; and finally,

3. To identify current information gaps and to propose a data collection strategy to ensure that the Research Division's information needs could be met.

B. Methodology

1. Literature and Documentation Review

An initial stage of this project involved a review of the literature pertaining to Native involvement in the criminal justice system. This process was largely facilitated by a recent Ministry publication, which provided a succinct analysis of the literature covering the period from 1972 to 1983.[1] Relevant Federal Government documents, such as reports published under Supply and Services and unpublished

documents including memoranda, special studies and planning documents were identified and collected through a series of consultations with government officials.

Literature and documentation produced by provincial authorities was sought through secondary sources not through direct contact with the respective jurisdictions. A principal source was documentation collected during a recent inventory of Native criminal justice research and programs compiled by the Ministry,[2] which yielded information about recording practices for racial origin data in various jurisdictions. In addition, documentation collected through the Canadian Centre for Justice Statistics provided a basis for information on provincial data sources.

2. Consultations

Key Ministry representatives were first consulted to determine the current status of any ongoing or planned research or program developments concerning Native criminal justice issues, to identify potential data sources and to develop a clearer focus for the information requirements concerning Native justice which could be accommodated within the terms of this study. Key actors in federal departments outside the Ministry were also contacted. These included Health and Welfare, Justice, Indian and Northern Affairs Canada, Statistics Canada, Canadian Centre for Justice Statistics and Secretary of State.

3. Identification of Data Sources

The types of data sources which were explored in this study concern both current and insofar as is possible, planned, databases. This has included both automated and manual systems, although the greater emphasis has been on automated sources. It should be noted that the data sources are identified within the principal category to which they belong. For example, correction data has the potential to be utilized for a wide range of pre- and post-incarceral studies, in addition to its primary function.

This study has not included individualized program statistics, which may be maintained for specific program operation, evaluation or other purposes.

4. Database Assessment

The assessment of the reliability of the data sources is based primarily on available documentation relating to this issue, and on consultations with officials responsible for the sources.

5. Definition of Terms

The term Native people, as used in this document, refers to Status/Treaty Indians, non-Status Indians, Métis and Inuit people.

The on-reserve population refers to registered Indian Band members (within the meaning of the Indian Act) who live on reserves set aside for the Band; or on other reserves set aside for other Indian Bands; or Crown lands administered by the Band; or on Crown lands administered by other Bands; or other Crown lands.

The off-reserve population refers to those registered Indians living away from their reserves or communities, as defined above under on-reserve, for 12 consecutive months for reasons other than school or health needs.

CHAPTER 1 - RESEARCH ISSUES

A. Documenting Over-representation

It is difficult to indicate, with any degree of accuracy, the extent to which Native people are over-represented in the criminal justice system as the flow of Native people through the justice system is not fully documented. The reasons for this are three-fold. First, few criminal justice agencies collect information on ethnic origin and the reliability of the data is questionable. Second, the backdrop to compare Native offenders to the general population is suspect,[3] because the 1981 Census information on Native people conflicts with other Native data sources such as figures available from Native organizations. Finally, the extent to which Native people are over-represented in the criminal justice system relies heavily on information obtained at the correctional institutional level. While it is clear that this source demonstrates that Natives form a larger proportion of the inmate population than their apparent numbers in the general population would indicate, in itself it is only indicative that Native people are over-represented at one final stage in the criminal justice system - incarceration. It does not shed light on causes of this phenomenon, i.e. seriousness of the charges, length of sentence. Nor are the data adequate to determine causal links at other levels within the criminal justice system, such as charging and sentencing practices. In the absence of this necessary and very basic information, we are left with crude "guesstimates", based on indirect and anecdotal sources, about the magnitude of the problem. As a result, it becomes difficult to assess whether policy and program efforts are adequate to meet the demand, or whether they are being appropriately applied.

B. Key Research Questions

Key questions relate to the pattern and the causality of Native criminal activity. As such, there is a need to obtain time series data in order to document the crime pattern in various community settings and to assess how these patterns might change under alternative models which may be implemented in these settings. It is recognized that research would be limited to an investigation of reported crimes since there is no expedient way to determine actual crime rates. It is essential that data distinguish Status and non-Status Indian, Métis and Inuit patterns. Further documentation is required on female and male patterns and Native youth.

The key research questions, then, are listed below:

1. What types of crimes are committed by Native people on reserves, off-reserve/rural areas; off-reserve/urban areas? Of critical importance is the need to identify urban/rural differences.

2. What are the social, economic, and demographic characteristics of the offenders in each crime category and in each community setting? Key focal points include offender transiency and the length of time the offender has been in the setting prior to the occurrence of the offence.

3. Can a comparative framework be established to explore the differences between Native/non-Native crime patterns in each of these community settings?

4. What are the differences, if any, in adult Native male versus adult non-Native criminal activity?

5. What are the differences, if any, in adult Native male versus adult Native female criminal activity?

6. What are the differences, if any, in adult Native female versus adult non-Native female criminal activity?

7. What are the differences, if any, in juvenile criminal activity, for the Native/non-Native groups outlined in questions 4 to 6?

8. Who are the victims? What types of crimes are committed by Native people against Native people? What types of crimes are committed by Native people against non-Natives? To what extent are Native people victims of non-Native crime?

9. What types of intervening justice-related variables in each community setting can influence the rate of reported Native crime and the rate of charges and convictions? A preliminary list would consider the following variables:

   a. What is the pattern of police contact with the Native community?

   b. What is the attitude of the police towards the community?

   c. What are community attitudes towards the police?

   d. What sort of diversion tactics are available, to what extent are they utilized, and for what type of offender?

C. Native Young Offenders

1. The Research Gap

Little empirical research has been directed towards understanding the involvement of Native youth in the criminal justice system. Research findings, although limited, indicate that Native young offenders, both male and female, are disproportionately represented in the criminal justice system. Moreover, Native youth are also more likely to have had contact with other social service agencies, such as child welfare, than their non-Native counterparts. Further, there are indications that Native youth become involved in the criminal justice system at an earlier age than their non-Native counterparts. And, it is indicated that they are more socially and economically disadvantaged in relation to non-Native young offenders.[4] The nature of the experience of Native youth prior to contact with the criminal justice system is relatively unexplored. Research questions must, therefore, be directed at a number of levels, and must cover diverse topics, from descriptive information of the environment through to processing and outcomes.

Native organizations throughout Canada have expressed a desire to become actively involved in the development of policies, programs and services which concern Native youth, including the involvement of Native Youth in the criminal justice system. The Young Offenders Act, proclaimed in 1982, provides a means to accommodate special programming. Although there are specific issues relating to funding priorities for special needs groups yet to be resolved, the Young Offenders Act is perceived as a progressive step. In terms of research, a national research and evaluation strategy is in the process of being developed by the Federal and Provincial Governments. The federal position, it is understood, will be to embed a Native/non-Native dichotomy into the information requirements. Specific research issues relating to Native young offenders are identified below.

2. The Research Questions

The research questions relating to Native young offenders are vast considering the virtual absence of research in this area. Principally, the research questions relate to the need for descriptive information relating to the following:

a. Structural aspects of the criminal justice environment;

b. Baseline information relating to the characteristics of Native young offenders and their experiences in criminal justice processing in comparison to that of

their non-Native counterparts. This would include variances by Native status (Status Indians, non-Status Indians, Métis and Inuit) and offender residency, offender transiency and variance by community type;

c. And finally, research is required to assess the impact of the Young Offenders Act on Native youth, on a comparative basis with non-Native youth.

The data requirements in these areas are highlighted below:

i) Descriptive information, on a provincial basis, of the social and economic environments in which criminal activity by Native youth takes place.

ii) Descriptive information, on a provincial basis, of the criminal justice system. This would include the following:

- description, by province, of police services, including the existence of special Native police programs; the existence of special programs, procedures and/or training packages on youthful offenders; and a description of any cross-cultural training programs;

- description, by province, of the location and provision of youth court services currently in operation. This would include specific reference to the following:

. court locations (with the possible identification of court sites which have a significant proportion of Native cases, and if possible, a description of the clientele,

. a description of youth court services, by court, including personnel, and a description of any Native component to the court process or procedures, i.e. is a cross-cultural package utilized and for which court personnel?,

. a description of networks and referral systems among the community and/or other agencies and organizations which provide services to Native young offenders,

. a description of the dispositional alternatives available, including a description of the location and, in the case of detention, facilities.

iii) Description of the linkage between the criminal justice environment and the child welfare system. This would include the following:

- a description of the child welfare system in operation in each province;

- a description of the community networks or associations which provide services to Native youth. In particular, descriptions of the cases where Indian Bands have taken over responsibilities in the child welfare system;

- a description of the linkage between the child welfare system and the criminal justice environment in terms of the degree of overlap in clientele - Native and non-Native;

- a description of the proportion of Native male and female, and non-Native male and female cases coming before the courts which have been preceded by previous involvement in the child welfare system.

iv) A description of the process whereby Native youth come into contact with the law, as compared to that of their non-Native counterparts. Key questions are:

- What types of contacts do police have with Native female/male, and non-Native female/male youth? Are Native and non-Native youth subjected to the same or different types of police surveillance?;

- To what extent are Native female and male youth dealt with through informal screening procedures such as warnings, cautions, referrals to other social agencies, etc.? To what extent are comparable categories of non-Native youth dealt with through informal screening?;

- Do police attitudes to Native female and male youth differ from their attitudes to non-Native female and male youth? What role to these attitudes play in the police procedure relating to the arrest and charging of Native and non-Native youth?;

- What proportion of Native and non-Native female and male youth who come into contact with the police are charged? To what extent do informal screenings (number and type) precede an actual laying of a charge for each group?

v) Descriptive information is required on the sentencing patterns for Native and non-Native young offenders. What types of dispositions, by charge category, are distributed among convicted Native and non-Native female/male youth? Under the Young Offenders Act, the following dispositions are included:

- absolute discharge;
- imposition of fine;
- compensation order;
- restitution order;
- order for compensation to purchaser;
- order for compensation in kind or for personal services;
- community service order;
- treatment order;
- committal to custody;
- probation order.

vi) What is the effect of court process and procedures with respect to sentencing outcome for Native and non-Native female/male young offenders? Specifically:

- What is the influence of police, prosecutors, defence and probation officers in the proceedings?;

- In what kinds of circumstances are pre-disposition reports used, and what is the content of these reports with respect to Native and non-Native young offenders?

- Under what kinds of circumstances are psychological reports used with respect to Native young offenders? Are psychological assessment procedures valid for Native young offenders? Are these reports used differently with respect to non-Native offenders?;

- If special services are available to Native youth, what is their nature and impact on court proceedings?;

- To what extent do Native accused have access to legal representation? What are the characteristics of Native offenders who have legal representation compared to those who do not? How does this differ from that of non-Native accused?;

vii) What are the effects of various dispositional alternatives on Native female and male offenders, in terms of the following:

- future criminal activity;
- family situation;
- social situation;
- economic situation.

viii) In what ways does the Young Offenders Act differ from the Juvenile Delinquents Act in its application and impact on Native female and male offenders?

ix) What is the demographic profile of the Native Young Offender? Key variables to consider are:

- Age (12-17): in order to determine the appropriateness of the ages defined in the Act, it would be useful to collect child welfare processing data on Native and non-Native youth who have been involved in illegal behaviours. Similarly, information on the upper age group (18-20) who have contact with the criminal justice system would be useful;

- Sex (male, female);

- Ethnicity: Status Indian, non-Status Indian, Métis, Inuit;

- Residency: urban, rural, reserve (with a northern/southern community dimension). Transiency must be captured. Residency must be examined in relation to the offender's length of stay in a particular community setting before committing a crime;

- Language (first language).

In what ways does this demographic profile differ from that of non-Native young offenders?

x) At what mean age do Native youth come into conflict with the law?

xi) What are the education levels, by age, of Native female and male young offenders? Do these levels differ from those of their non-Native counterparts? What proportions are in-school/out-of-school at the time of their arrest?

xii) What are the employment histories of Native and non-Native female/male young offenders?

xiii) What are the sources and levels of income of Native and non-Native female/male young offenders?

xiv) What are the family histories of Native and non-Native female/male young offenders in terms of the following:

- Living arrangement at time of arrest;
- Degree of family cohesiveness, stability, supportiveness;
- What is the history of alcohol, drugs, and substance abuse by family members?;
- What is the history of criminal involvement on the part of other family members?;
- Has involvement in the child welfare system preceded involvement in the criminal justice system?

xv) For what kinds of offences are Native and non-Native female/male young offenders convicted?

xvi) Where are offences committed (reserve/rural/urban areas), and by what profile of offender?

xvii) Are drugs and alcohol or substances such as inhalants involved in offences committed by Native and non-Native female/male young offenders?

D. Native Inmates in Federal Institutions

1. Limited Research Focus

The research literature on Native inmates in correctional institutions is generally more complete than for other components of the Native criminal justice field. Descriptive studies have yielded pertinent information about key "problem" areas concerning Natives incarcerated at the federal level. In particular, studies have raised questions about the cultural relevance of many correctional program activities. There are, however, significant analytical gaps relating to the nature of the pre-institutional environment, decision-making through the system, and post-release environments[5].

Research directed at the experience of Native inmates in federal institutions is limited. Two central documents prepared under contract to CSC are Newby's report on Native corrections policy[6] and Canfield's comparative statistical description on Native/non-Native inmates.[7] The Newby study focused on five key corrections issues relating to the employment of Natives within the correction system. These are a discussion of the special

prison issue, conditional release, institutional programming, and special groups such as Native women and Inuit offenders. The statistical study focused on the offence characteristics and institutional experiences of Native inmates, and revealed that at the federal level a higher percentage of Natives than non-Natives are incarcerated for offences against the person and that Natives are consistently more likely than non-Natives to be released on mandatory supervision than conditional release. These studies have raised some fundamental questions relating to correctional policy, programming and decision-making with respect to Native offenders. Salient aspects of these studies, and other relevant literature, are discussed within the context of the research questions which follow.

2. Key Research Questions

a. Descriptive information on an institutional basis, of special programming for Native inmates and systematic, up-to-date information is required on programming and program participants within CSC institutions are required. Participant data should include racial origin, as this would eliminate the need for time consuming and costly data matching with inmate files:

   i) special education programs;

   ii) employment/vocational training programs;

   iii) social development programs, such as cultural activities, life-skills programs, visiting programs, substance abuse programs, brotherhood/sisterhood programs, community release programs.

b. What is the demographic profile of the Native inmate? Up-dated, time series data are required, which consider key variables such as:

   i) Age;

   ii) Sex;

   iii) Ethnicity: (Status Indian; non-Status Indian; Métis; Inuit);

   iv) Children: number of children, living arangement at time of arrest; living arrangement during parental incarceration;

   v) First language: English, French, Native language;

vi) Residency at time of arrest: urban, rural, reserve (northern/southern community) transiency;

vii) Length at location prior to the offence;

viii) What is the demographic profile of the Native and non-Native inmates?;

ix) What are the education levels of Native and non-Native female/male inmates on admission?

x) What are the employment histories of Native and non-Native female/male inmates, at time of arrest?

xi) What are the sources, and levels of income at time of arrest? In the cases of inmates with families, what role did the inmate play in providing financial support to the family? In what way does this differ from the experiences of non-Native female and male inmates?;

xii) What are the family histories of Native inmates at time of arrest? Of particular concern are the following:

- living arrangement at time of arrest,
- social and economic impact of arrest on family members,
- impact of arrest on children,
- degree of family cohesiveness, stability, support for the inmate,
- use of alcohol and/or drugs by family members,
- criminal justice involvement of other family members,
- has the family been involved with other social service agencies, such as child welfare agencies?;

xiii) What are the health levels of Native and non-Native female/male inmates at admission?

c. For what categories of offences are Native and non-Native female/male offenders incarcerated in federal institutions?

The Canfield study indicated that Natives are more likely to be incarcerated for offences against the

person (particularly in the manslaughter and assault categories) for the 1976-1980 period studied. It would appear that this pattern has persisted through to the 1982 period.[8] The following concerns should, therefore, be addressed:

i) What are the differences in the offender career patterns of Natives and non-Natives who are serving time for offences against the person?;

ii) Are there significant variances in pre-federal incarceration criminal histories?;

iii) Are there significant variances in institutional experiences and post-release career paths?

Key information about to the nature and the location of the offence pattern and nature of the sentence is required:

i) What is the average sentence length for each category of offences for each profiled group? What are the Native/non-Native variances?;

ii) Where are the various offence categories committed, i.e. on-reserve, urban areas, rural areas? What is the relationship between where the offence was committed and where the offender resided?;

iii) What variances exist in the context under which offences were committed? What was the relationship of Native offenders to their victims? Were circumstances related to a domestic relationship, a social relationship and/or a business relationship? Were offences committed during the commission of another criminal act? How significant are Native/non-Native differences?;

iv) To what extent are alcohol and drugs related to the offences committed by Native and non-Native female/male inmates?

v) What is the prior offence history of Native and non-Native female/male inmates?

d. Institutional Classification/Security: For each offence category, what is the security classification pattern for the Native and non-Native groups? Is the security classification procedure equally appropriate for Native and non-Native inmates?

The Canfield study indicated that Native inmates, contrary to non-Native inmates, did not show any

positive evidence of cascading.[9] If this pattern has persisted in the 1981-1985 period, why, and what factors other than offence contribute to an apparent inability of Native inmates to cascade through the system?

e. Psychological Assessment and Psychological Services: Do standard institutional psychological tests have the same meaning for Natives and non-Natives? How valid are standard psychological tests (such as the MMPI) for Native people, and what impact do these tests have upon criminal justice processing?

A recent Ministry study on the use of the MMPI[10] has indicated that cultural influences affect Native/non-Native performance on the test and that further research for either an age-graded vocabulary skill compensation for Native MMPI tests, or the development of tests more appropriate to Native norms, is warranted.

i) What proportion of Native and non-Native female/male inmates participate in (non-compulsory) standard psychological test, such as the MMPI?

ii) Does language ability affect performance on these tests?;

iii) How appropriate are standard psychological tests to Native inmates?;

iv) What are the rates of diagnosed mental disturbance among Native and non-Native female/male inmates?

v) What are the rates of self-inflicted injuries among Native and non-Native female/male inmates?

vi) What are the suicide rates among Native female and male inmates? Do these rates differ from the suicide rates among the non-Native female and male population?

f. How do Natives Inmates fare in terms of institutional program opportunities and participation?

Four general questions should be addressed:

i) What are the participation patterns of Natives and non-Natives in existing institutional programs?

ii) How is program participation or non-program participation perceived by institutional staff and by other decision-makers? What is the impact of program participation on conditional release and on recidivism?;

iii) How appropriate and how adequate are current programs to Native inmate needs?;

iv) What types of special programs are required, and how should they be structured?

CONSIDERATIONS:

Employment Programs

- What portions of the Native and non-Native inmates groups are employed in institutional programs?

- In what sectors of available institutional employment programs are Native and non-Native inmates employed?

- What are the skill levels and occupational interests of both groups?

- What is the pattern of post-institutional employment for Native offenders? Does this differ, and if so in what way, from the post-institutional experiences of non-Native female and male offenders? Are CSC programs effective at enhancing the employability of Native offenders post-release, and what is their actual impact on employment? Do CSC employment programs consider the employment environment in various communities to which Native inmates might return?

- For what type of Native inmates are wilderness/work camps appropriate?

Vocational Training

- What proportion of Native and non-Native female/male inmates participate in vocational training programs?

- What is the rate of completion of vocational training for Native female and male inmates and for non-Native female and male inmates?

- Are current vocational training programs relevant to expected post-release work environments for Native and non-Native inmates?

Education Programs

- How do Native inmates perform on standard educational testing? How appropriate are these tests to Native inmates? Does language ability affect their performance on these tests?

- What are the literacy levels for Native and non-Native offenders?

- What proportion of both groups participate in education programs, at what levels and in what types of programs?

- What is the success rate for the completion of education programs by Native and non-Native participants?

- How effective are current alternative models and teaching strategies (such as alternative delivery models through Native organizations, and adapted curriculum) at assisting Native inmates in their educational endeavours?

- How effective are education and training on post-release employability and employment for Native and non-Native female and male inmates?

- In what ways do education and/or training programs effect a Native inmate's societal re-integration post-release? Are they effective at enhancing the employability of Native inmates post-release?

Social Development

- How appropriate are current life-skills training programs for Native inmates? Who participates in life-skills training? Are different types of course contents required for Native inmates originating from, and returning to, rural/urban areas? What impact do life skills training programs have for Native inmates in terms of social adjustment post-release?

- What is the role of the Brotherhood/Sisterhood in institutions? In what types of activities are the Brotherhoods/Sisterhoods involved in institutions? Who participates in Brotherhood/Sisterhood activites? What kinds of affects do they have on their Native clients in terms of both institutional adjustment and preparation for release? What impact does cross-cultural training (for both staff and inmates) have on the institutional acceptability and success of these programs? What are staff perceptions of Brotherhoods/Sisterhoods? Do perceptions vary according to the degree of staff exposure to, and participation in, cross-cultural training programs?

- To what extent do Native inmates participate in visiting programs (such as regular visiting and private family visiting)?

- What types of drug and alcohol abuse programs are available to Native inmates? Are they appropriate and adequate? What proportion of Native inmates require/request/need involvement in drug/alcohol abuse programs? What proportion participate in such programs? How effective are these programs? Are there ways in which these programs can be made more effective?

- What proportion of Native inmates participate in the Temporary Absence Program? How many Native inmates are eligible for such programs? What type of Native inmate participates, and at what point in an inmate's sentence does he/she participate, and for what purpose? (This is also discussed in the section on conditional release.)

- What proportion of Native inmates comprise special needs groups such as first-time offenders, long-term offenders, handicapped inmates, sexual offenders, protective custody cases, and do they have any additional special needs?

g. Institutional Population Management and Institutional Climate: The affects of racial mix on the institutional climate in penitentiary populations have been relatively unexplored in the Canadian context, despite indications in other jurisdictions that racial tension can manifest itself in institutional incidents. This is, in part, due to the traditional perception of the Native inmate being more passive and less likely to participate or instigate institutional incidents. Paradoxically, there are indications to suggest that Native inmates are classified at higher security levels than they actually require. There would appear to be a number of conflicting perceptions and assumptions about Native inmate behaviour which should be subjected to further investigation. For example, there are recent suggestions that Native inmates are becoming a more violent sub-population.[11] Since these observations are based on isolated incidents and perceptual data, research must be initiated to more rigorously examine Native and non-Native institutional behaviour patterns, and the impact of mixed racial population composition in federal institutions. The following points to a number of key questions in the area:

i) Do native inmates require different types of population management techniques than non-Natives?;

ii) Do staff perceive the management of Native inmates to require different strategies than for non-Native inmates?;

iii) To what extent do Native inmates become involved in institutional offences? What types of institutional offences do Native inmates become involved in? What kind of Native inmate becomes involved in institutional offences? How does this institutional offence profile of this group compare to comparable groups of non-Native offenders?;

iv) In what ways do varying mixes of Native and non-Native inmates influence institutional stability in terms of Native inmate/non-Native inmate relations and in terms of Native inmate/non-Native staff/(where applicable) Native staff? What role does the Brotherhood/Sisterhood play in affecting institutional stability/instability?;

v) What is the effect of indigenization of institutional staff in terms of institutional climate and stability? What is the effect of cross-cultural education programs on staff in terms of institutional climate and stability? How can cross-cultural education be effectively implemented?;

vi) How does overcrowding affect Native inmates? Does overcrowding affect Native and non-Native inmates in different ways?;

vii) Are wilderness/work camps feasible alternatives, and for what type of Native inmate? Are community correctional centres appropriate alternatives?;

viii) How feasible, and what would be the projected effects of establishing a medium-level security institution designed for, operated and managed by, Native staff?

h. Conditional Release

For some time it has been observed that only a small proportion of the Native inmate population participate in conditional release programs such as the Temporary Absence Program (see above, Social Development) and parole, compared to the non-Native population.[12] Most Native inmates are released, towards the end of their sentence, under mandatory supervision. The reasons for this apparent trend in differential types and rates of release require further investigation.

The main issues can be categorized around questions relating to the determination of a parole eligible

group, the extent to which this group applies for parole, the success/failure rate of applications (including withdrawal rates) and parole experience, including a thorough analysis of the reasons why differentials exist. It is suggested that the questions could be formulated according to various categories, i.e. environmental, process, and perceptual barriers:

i) What proportion of Native offenders apply for Temporary Absence passes? What type of Temporary Absences passes do they apply for? When in their sentence do they apply for them? What are the rates of approval and denial? What are the success/failure rates of Native inmates on Temporary Absences? How does the experience of Native offenders compare with that of comparable groups of non-Native offenders?;

ii) What are the Native and non-Native waiver rates for parole application? What are the rates of approval/denial? What are the success rates (and under what parole conditions, i.e. full parole, day parole, additional conditions placed on the granting of parole)? What are the failure rates, and in which categories of revocation do they occur? What is the variance to the experience of comparable groups of non-Native offenders?;

iii) What are Native perceptions towards the parole process? Is there a tendency for them to perceive refusal and therefore not to apply? What role does the case management team play in preparing Native inmates for the parole application process? Are the case management teams' perceptions of Native inmate "readiness" for parole clouded by cultural differences? Do communication/language difficulties exist? How do members of the case management team interpret a Native inmate's lifestyle and community, social and familial environment? What role does participation or non-participation in institutional programs play in the conditional release decision? Are mechanisms in place to avoid cultural bias?;

iv) To what extent are current criteria regarding a satisfactory supportive release environment appropriate to Native inmates? What types of community support mechanisms exist (i.e. community support, supervision, community ties, employment and/or training opportunities) in communities to which Native inmates ret[illegible]? How do these communities match existing criteria regarding a satisfactory supportive release environment?;

v) What role does imprisonment of Natives for crimes of violence play in limiting their parole eligibility? Is this different than that for a comparable group of non-Native offenders? What role does security classification, and an apparent inability of Native inmates to cascade through the system play in determining parole application success? Does this differ from the experience of a comparable group of non-Native offenders?

i. Native Female Inmates

In the above Sections, a conscious effort has been made to integrate Native women into the research issues discussed rather than to address them separately. There are at the federal level, however, some specific questions which should be raised because of the unique conditions of their incarceration. Female federal inmates are held either at Prison for Women in Kingston, Ontario, or, in some cases, under special agreements with provincial authorities to house women of lesser security risks in provincial facilities.

Few studies have systematically explored the nature of the relationship between Native women and the criminal justice system. Indeed, government has initiated few research efforts in this direction and most of the impetus for research has been carried by Native women's organizations.

Of those Native women who become involved in criminal justice processing, the majority are less likely to be released on bail and less able to pay fines than their non-Native female counterparts. They are twice as likely to be arrested for alcohol-related offences against the person than non-Native women, and again twice as likely to commit offences against the person than their Native male counterparts.[13] ganadian national homicide data from 1961 to 1974 indicate that 60% of all homicides committed by Native women during the period under study occurred within the context of a domestic relationship,[14] slightly higher than the 58.1% occurring within that same context for non-Native women, and compared to only 46% of homicides in that category committed by Native men.

These indications, however, are based on partial and, in many cases, older data. Further research is required to expand understanding of the fundamental issues. A central requirement is research into the social economic status of Native female offenders and how that status relates to criminal activity in which they engage. Baseline data on criminal career

patterns of Native female offenders is required as well as data on the eventual outcome of criminal justice processing. While federal data can only partially explore these issues, it can be utilized to develop an effective research framework in which serious female offenders can be studied. Specific research concerns are outlined below:

i) Social/Demographic Information:

Supportive, basic socio-economic data are required to provide a complete, detailed profile of Native women in Canada to provide background for researching the experience of those who come in conflict with the law.

- To what extent, and in what ways are Native women vulnerable to criminal justice processing?

- What have been the cultural affects of the loss of status of Indian women which can be linked to criminal involvement?

ii) Offence Information:

- What differences exist in offence types and patterns? What are the variances between Native female, Native male and non-Native female offence patterns?

- What differences exist in the criminal career histories of Native women, in comparison to non-Native women and in comparison to Native men?

- What variances exist in circumstances under which the offence was committed and in relation of offender to victim?

- What differences exist with respect to the involvement of alcohol in offences? What is the variance in comparison to Native males and non-Native females?

iii) Institutional Experiences:

- What proportion of Native federal inmates (and what offence categories and security levels) are housed at Prison for Women? What are the comparable figures for the non-Native offenders?

- What is the nature of the relationship of Native women to their children at time of arrest? To what extent are Native women

involved in child custody cases at the time of arrest?

- What determines which federal inmates are housed at the federal level and which federal inmates are housed at the provincial level? Are criteria equally applied to Native and non-Native women? What kinds of programs are available to Native federal inmates who are incarcerated at the federal and provincial levels?

E. Summary

In this Chapter, major research issues of Native over-representation in criminal justice processing, Native urban/rural crime patterns, Native youth in conflict with the law, and Native inmates in federal institutions, were identified.

The three areas of concern to this report represent three research sub-strategies and a general paucity of sound research was observed in all three areas. These are briefly summarized below.

1. Urban/Rural Crime Patterns

Native on-reserve and off-reserve crime patterns in rural and urban areas, are virtually unknown. There are some indications that a significant proportion of Native crime takes place in urban areas - a factor which will have implications for the consideration of alternative measures. Research is required to provide complete time-series information on the nature and location of Native criminal activity. This information must distinguish between the various administrative categories of Native people and distinguish gender and age.

2. Native Young Offenders

Little research exists on Native young offenders, however, available documentation indicates that Native youth are more vulnerable to criminal justice processing than their non-Native counterparts. These differentials require more complete documentation. The Young Offenders Act has provided new philosophical and procedural approaches to criminal activity by youth. What are the implications for Native youth? Baseline information to document the experience of Native youth before the law is required.

3. Native Federal Inmates

Although greater research attention has focussed on Native federal inmates, the focus has been "operations"-oriented. Few studies have explored the nature of Native criminal career patterns at the federal level. Important questions relating to the institutional experience of Native federal inmates remain unanswered. Moreover, Native inmates may play a significant role in overall institutional population management and institutional climate which should be subjected to further examination. Native women represent a sub-minority at the federal level and specific questions must be addressed to determine the needs of this group.

CHAPTER 2 - DATA REQUIREMENTS

A. Overview

This Chapter outlines the type of data required to conduct research in each of the previously identified areas of Native criminal justice. Although there are methodological and implementation considerations with respect to the actual collection of the data, these issues are discussed in Chapter 6 following the description of existing data sources.

B. The Information Requirements

1. Major Information Components

Three inter-related components are required for research purposes.

The first component identifies information required to measure, assess and monitor the patterns and extent of Native over-representation in the criminal justice system. Descriptive information relating to the nature and extent of Native involvement at all levels of the criminal justice system is needed. This information (e.g. population universe and general characteristics) is required on the general Native population in order that comparison to the observed criminally active Native sub-population can be made. Equally important is the requirement for similar descriptive, comparative information on the non-Native population.

The second component relates to the information required to determine the causal factors which have contributed to Native involvement in the criminal justice system. Thus, the information requirements are diverse:

a. Descriptive and analytical information on the historical, cultural, social, demographic, economic and institutional development in Native communities, and the impact of these developments for criminal justice;

b. Descriptive information on traditional definitions of, and means for, the resolution of disputes, and the current status of these traditions;

c. Descriptive and analytical information on the processing of Native people who come into contact with the criminal justice system, from initial contact with the police through to criminal justice processing. Comparative information on non-Natives is also required to determine if differential processing is a significant factor.

The third information component relates to information required to identify, analyze and assess the response to the problem at various levels and, where possible, to develop alternatives (either through discretionary means such as government policy, or legislatively).

2. The Need to Maximize Correlation Potential

Because the components identified above are inter-related, and because in some cases information requirements within them overlap, a high degree of conformity and consistency in definitional and methodological approaches is desired. While this might not always be possible, there are key data elements where the correlation potential must be optimized. These are identified below.

C. The Critical Data Elements

The data elements identified below are based on needs flowing from the general requirements in Native justice research. At this level of discussion, the important data elements are only identified and briefly described. The actual construction and definition of the data elements, from a systems perspective and as developed in this report, are discussed in Chapter 6. Before these descriptions proceed, key variables are identified. Although these variables appear to be obvious targets, the subsequent chapters will reveal that their inclusion in information systems cannot be assumed.

1. Racial Origin

For the present, information collection should conform to, and distinguish Native people on the basis of, conventional categories. These are Status and non-Status Indians, Métis and Inuit.

2. Age

Although in many instances age-related data are only required on a defined cohort basis (particularly in the case of adult offenders) because of the Young Offenders Act it is necessary to manipulate age data into a variety of formats at the lower end of the age spectrum. This is of particular importance for those individuals who border the age categories covered by the Act in the age 12 and under and 18-20 categories.[15]

3. Residency/Location of the Offence

Residency information is required in order to document the significance of the relationship between offender residency and the location of the offence. Because of the disparate residency and migration patterns of Native

people, data collection must capture both residency at time of offence and geographic offence location. Specific breakdowns along a north/south dimension are:

a. Reserve populations;
b. Off-reserve rural populations;
c. Off-reserve urban population, by defined gradations of urban size.[16]

It is critical to develop a transiency indicator to determine the impact of urban/rural migration on criminal activity.

4. Comparative Dimension

Comparative offence data of the non-Native population are required in all instances, defined as all other racial origins.[17]

D. Component #1

The purpose of Component #1 is to document over time, the pattern and extent of Native over-representation as offenders, in the criminal justice system. In order to do this, the following information is required:

1. Offence Data

a. Number of offences committed by Native people measured by the number of Native people apprehended and convicted;

b. Types of offences committed by Native people measured by conventional offence description categories;

c. Location of the offence, measured by standard geographical sub-classifications in order to capture the on-reserve/off-reserve, urban/rural, north/south dimension;

d. Circumstantial information relevant to the offence, particularly the following:

i) role of alcohol, drugs, or other intoxicating substances in the offence;

ii) possible economic motives;

iii) role of violence;

iv) relationship of offender to victim, and

v) psychological profile of offender.

2. Offender Characteristics

a. Racial origin;
b. Sex;
c. Age;
d. Residency;
e. Marital/family status;
f. Language;
g. Education level;
h. Labour force participation;
i. Income level;
j. Criminal history.

3. Sentencing Data

Number of Natives, by offence type by court location and court level, who receive the following sentences.

a. Carceral, including reason for sentence, length of sentence, time served, type of release;
b. Probation, including length and specific conditions;
c. Conditional discharge, including conditions;
d. Unconditional discharge;
e. Suspended sentence;
f. Fine, amount.

4. Outcome Data

a. Re-Offence Data:

i) Time of re-offence;
ii) Re-offence type and circumstances;
iii) Sentence data and sentence outcome.

b. Demographic, Social/Economic Data:

i) Change in offender characteristics identified above.

E. Component #2

The purpose of Component #2 is to establish a better understanding of the factors leading to Native criminal justice over-representation as described in Component #1. As such, the information requirements under this component are diverse and less readily definable.

1. Multi-Disciplinary Data

As noted previously, there have been few attempts to develop a comprehensive model to explain the causes and modality of Native crime in Canada. Researchers must go beyond the confines of their discipline to other areas such as the following.

a. Historical and Anthropological Studies:

i) Related to traditional law and culture;
ii) Current status of traditional culture;
iii) Institutional development.

b. Demographic Studies:

i) Current and projected demographic trends and the possible impact on criminal justice processing.

c. Economic Development Studies:

i) Historic and current economic developments.

d. Health/Alcohol Related Studies:

i) Descriptive studies on health levels, alcohol use;
ii) Role of alcohol in communities;
iii) Role of alcohol in the commission of criminal acts.

e. Legislative Studies:

i) First Minister's Conference on Aboriginal Rights;
ii) Events and implications under the equality provisions, Section 15 of the Charter of Rights.

f. Criminal Justice Processing Data:

i) Apprehension/Charging:

- number of Natives charged/not charged during contact with the police,
- type of convictions,
- pre-trial detention,
- legal counsel,
- type of legal counsel;

ii) Sentence Data (see above Component #1, Item 3 - Sentencing Data):

- carceral sentences (such as offender classification, security and program), program participation during incarceration, use and effectiveness of cross-cultural programs;time served; conditions and experience of release,
- probation: use of Community Service Orders, restitution,
- fine: amount of fine by level of income; incidence and causality of fine default;

F. Component #3

Component #3 seeks to assess and respond to issues identified through information gathering and subsequent analytical procedures related to Components #1 and #2. In order to fulfil this function, Component #3 would focus on special areas of concern, and validate information produced through 1 and 2 by means of special case studies.

G. Summary

In this Chapter, information requirements were identified. The need to encourage consistency and conformity of data collection methodologies was identified as a major concern. Specific variables were identified as key targets in a comprehensive data collection strategy. These were racial origin, sex, age and residency. The need to capture non-Native data along all dimensions was also stressed.

Federal information requirements in the areas of Native justice pertinent to this report were broken down into three broad components.

The first component referred to information required to document the pattern and extent of Native over-representation as offenders in the criminal justice system, through collection of offence data, offender characteristics, sentencing data and criminal justice outcome data.

The second component identified a broad range of criminal justice and other multi-disciplinary data required to develop a comprehensive model of the causal factors which contribute to over-representation.

The purpose of the third component is to utilize information obtained in Components #1 and #2 to monitor, assess and refine the federal response to issues identified through the information gathering and analytical processes. Through this process, topics for special, intensive study become identified and new responses and information needs are generated and fed to Components #1 and #2.

CHAPTER 3 - THE DATABASE REVIEW - CONTEXTUAL RESEARCH

A. Overview

This Chapter presents a description of the databases which can provide information on the social and economic conditions in which Native people live and, as far as possible, provide an assessment of their potential utility to Native criminal justice research. The information bases listed below are of particular importance in relation to developmental research on causal factors in Native criminality. It is noted that secondary sources, i.e. completed or published studies, are not included in the presentation, nor are special historical, anthropological, or cultural data sets relating to Native people, as these areas were not targetted for inclusion under the terms of reference for this project.

B. Statistics Canada

1. General Description

Statistics Canada can provide a wide ranging data profile of social, demographic, and economic conditions throughout Canada. These data are available from diverse sources, such as the census, in addition to special surveys. An up-to-date overview of the type of information/tables available from Statistics Canada is contained in a recent publication, Canada, The Provinces and the Territories: A Statistical Profile. The profile identifies the following data areas:

a. Population and its characteristics, including information concerning age distribution, family and household structure, ethnic origin and language, and indicators of settlement patterns;

b. Economic structures, including information relating to the gross domestic product, the structure and composition of income and expenditure;

c. Industrial growth and structure, including employment, investment, research and development, ownership and control;

d. Labour structure, earnings and social security;

e. Social environment, including information on health, education and justice;

f. Housing and cultures; and

g. Target groups, specifically women, elderly, youth and Native people.

Statistics Canada data are available in a variety of formats. Readily available data are contained in a number of printed documents which may be produced on an annual, monthly and quarterly basis. In addition, Statistics Canada holds a vast array of data in unpublished format, such as in User Summary Tapes, Microfiche, Geographic Tape Files and public use sample tapes. Additional data may be available through the computerized data dissemination system, CANSIM. Custom tabluations can be provided from these databases according to a fee structure set by Statistics Canada. Requests can be produced on either hard copy, microfiche, or magnetic tapes, according to user specifications.

The volume and interrelatedness of Statistics Canada databases makes for difficult detailed description on the availability of certain types of information, unless precise data needs (i.e. precise tabulations) are identified. There are also multiple avenues for accessing identical and similar data. In addition to data available from the Canadian Centre for Justice Statistics, of particular interest to this project are sources such as the overall 1981 Census data, the 1981 Native Peoples Tape/Microfiche, as well as the Small Area Data Program.

Consultations with Statistics Canada officials indicated that these various databases are continuously being modified and refined so that better information can be provided. Technological developments, particularly advancements in the areas of microcomputer databases, are changing data collection, accessibility and data manipulation possibilities.

These developments will effect the kind of data which will be available on Native people. Existing and projected data sources are described below.

2. The 1981 Census: Total Population/Published Reports

The 1981 Census was the first census to provide comprehensive coverage of Native people in terms of the categories Status Indian, Non-Status Indian, Métis and Inuit.[18] In this Census, ethnic origin is identified by the respondent's perception of ethnic background and the cultural group with which they most closely identify. While past censuses have traced ethnic origin through the paternal side, the 1981 Census is not restrictive to one family side.[19] The 1981 Census reported a total Native population count of 491,260. The breakdown among the various categories is as follows:

Status Indian	Non-Status Indian	Métis	Inuit
292,700	75,110	98,260	25,390

In recognition of the fact that existing data on the Native population have some deficiencies, Statistics Canada made an additional effort through the Census to overcome these problems. For example, in 1986 the Census added the 1 in 5 sample questionnaire which contains a wide variety of socio-economic-demographic questions beyond those in the basic census form to improve the quality of data.

The Census, both the 100% universe and the 20% sample, are subject to certain limitations. Foremost, the 1981 Census may be an undercount of the Native population. The reasons for this are summarized below.

a. Differences exist between the census count of Status Indians and the official Indian and Northern Affairs Canada count: the Census represents only 82.4% of the INAC count; there were non-responses from the following reserves: Big Cove (New Brunwick), Kanawake (Quebec), Constance Lake (Ontario), Stoney (Alberta), Peigan (Alberta) and Cowichan (British Columbia). In Newfoundland, on the other hand, 1,010 Micmac Indians reported themselves as Status Indians but did not appear on the INAC register at that time.

b. There is an ongoing problem of under-reporting in remote and rural areas, compounded by the fact that the Census Day, June 3, may represent a time when significant proportions of the rural, on-reserve and off-reserve populations are absent.

c. It is thought by some Native organizations that there may have been some under-reporting in the Census of non-Status Indians and Métis populations due to problems of self-identification associated with weakened affiliation to their cultural background, particularly in urban areas.

d. It would appear that discrepancies exist between existing data on the urban/rural population split. For example, INAC statistics for the Status Indian population refer to 64.6% of the population on-reserve and 36.3% off-reserve. Conversely, the Census reveals 58% on-reserve and 42% off-reserve. In addition, the Métis/non-Status counts for the urban/rural differential are at least 10% off other population estimates, and the precise explanation for this is unclear.[20]

e. Inmates in institutions are not included in the count representing an undercount of a minimum 5,200.[21]

f. The total Native population counts in 1981 included approximately 5,000 persons of Indo-Pakistani or other origins.

Therefore, caution must be exercised in the interpretation of the data and researchers are urged to consult with Statistics Candaa staff before using the database.

Published reports and information available from the total population are able to provide global social and economic indicators of conditions for Native people in Canada at the national and provincial levels. To attain the level of specificity which may be desired for studies relating to the interests of Native criminal justice research it would be useful to turn to alternative sources which are outlined below.

3. **User Summary Tapes - Native Peoples Data Tape or Microfiche - 1981**

The Native Peoples Data Tape or Microfiche refers to unpublished data available in the regional offices of Statistics Canada (see list page 37) pertaining to demographic, household, family, labour and income characteristics of the Native population. In most circumstances, this Tape or Microfiche can provide more detailed information on specific indicators. The data can be manipulated to aggregate tabulations on either a geographic basis or by combining data cells such as age groups. The tapes contain data at the following geographic levels:

Canada, provinces and territories, 266 census divisions and 5,710 census sub-divisions. The reader should refer to the report entitled, "1981 Census of Canada, Native Peoples Tape/Microfiche Documentation", Statistics Canada, for a complete description of the contents of this tape/microfiche.

Basically, the advantages of this source from a Native justice research perspective would be the possibility of isolating data at levels which would shed some light on the social and economic dynamics at defined community levels such as urban/rural/on-reserve/off-reserve.[22]

4. **Native Peoples Database - Future**

A new initiative has been sponsored by Statistics Canada relating to the native data collected by the 1986 Census. The Aboriginal Peoples Program will be developing special products that hope to better serve native groups. About seventy-five native organizations and groups were consulted on their 1986 Census data needs and these findings will be used to develop this new line of products.

Secondly, the Census and Household Statistics Branch recently has been assigned the task of furthering the objective of improving data collection on target groups, specifically Natives, the elderly, youth and women. The central mandate and scope of this unit's activities will relate to facilitating access to data on target groups maintained by Statistics Canada; to integrating data on target groups through the diverse data holdings of Statistics Canada; developing data reference products, chartbooks, special requests.

5. **Census of the Inmate Population**

In the past, the Census has traditionally omitted institutionalized populations from its survey. The 1986 Census did attempt to collect from the institutions basic demographic data contained in the 2A questionnaire (eg. age, sex, etc.). However, the results of this collection activity are not known as yet.

6. **Native People's Database: Canadian Centre for Justice Statistics - Developing**

It is understood that the Canadian Centre for Justice Statistics (CCJS) is developing a Native population microcomputer database using the 1981 Census data described above, combined with Indian population projection data available through a joint Statistics Canada/Indian and Northern Affairs Canada effort. The objective will be to examine and project the impact of current and future Native demographic trends upon the demand for criminal justice services. This project has recognized that the lack of reliable data on ethnicity is a major problem for forecasting, however, the initial draft dicussion paper on this project has not dealt with methodologies to overcome this problem.[23] Although it is still in the developmental stages, this could be a useful source in terms of projecting the scope of Native representation and demand for services on the criminal justice system.

7. Small Area Data Program

The Small Area Data Program is a user-oriented program, the primary role of which is to coordinate the extraction of small area data collected by Statistics Canada to user specifications. The central data sources are census data and administrative data (such as unemployment insurance records) and tax files housed by Statistics Canada. Data can be provided to users in hard copy, tape or in a diskette for a microcomputer. The requests are done on a contract basis, with cost estimates being provided by the Program.

This program has the potential to produce data for specific Native population sectors within urban areas. That is, in cities for which census tracts are available and which also have a high proportion of Native residents, it may be possible to identify certain census enumeration areas with sufficient numbers of Native residents to provide a preliminary profile of the demographic, social and economic conditions for the population in those areas. These cities are:

Brantford	Prince George
Calgary	Quebec
Chicoutimi-Jonquière	Regina
Edmonton	St. Catherines-Niagara
Guelph	St. John's
Halifax	St. John
Hamilton	Sarnia
Kamloops	Saskatoon
Kelowna	Sherbrooke
Kitchener	Sudbury
London	Thunder Bay
Moncton	Toronto
Montreal	Trois-Rivières
North Bay	Vancouver
Oshawa	Victoria
Ottawa-Hull	Windsor
Peterborough	Winnipeg

Within the range of cities for which data are available, only a small number will have Native sub-populations of significant proportions to merit analysis. Those with most potential would include Brantford, Calgary, Edmonton, London, North Bay, Regina, Saskatoon, Sudbury, Thunder Bay and Winnipeg. There may be other significant variances in population size, based on the Census observation that only 24% of all Natives who live in urban areas live in cities of 100,000 or more.[24]

These possibilities would have to be investigated to ensure that confidentiality was respected for the level of detail at which the information would be released. For example, while it may be possible to extract data by reserve, it may be necessary to combine these with other reserve data.

It is anticipated that, in the new fiscal year the Small Area Data Program will establish its own database. Currently, there is no descriptive documentation available on this proposed base.

REGIONAL REFERENCE CENTRES

Newfoundland and Labrador
Statistics Canada
3rd Floor
Viking Building
Crosbie Road
St. John's, Nfld.
A1B 3P2
(709) 772-4073
Toll Free Service:
Zenith 07037

Maritimes
Statistics Canada
3rd Floor
Sir John Thompson Bldg.
1256 Barrington Street
Halifax, N.S.
B3J 1Y6
(902) 426-5331
Toll Free Service:
1-800-565-7192

Quebec
Statistics Canada
200 Dorchester Blvd. W.
Guy Favreau Complex
412 East Tower
Montreal, Que.
H2Z 1X4
(514) 283-5725
Toll Free Service:
1-800-361-2831

Ottawa
Statistics Canada
Central Inquiries
Lobby, R.H. Coats Bldg.
Ottawa, Ont.
K1A 0T6
(613) 990-8116
Toll Free Service:
1-800-268-1151

Southern and Western Ontario
Statistics Canada
10th Floor
Arthur Meighen Bldg.
25 St. Clair Ave. East
Toronto, Ont.
M4T 1M4
(416) 973-6586
Toll Free Service:
1-800-268-1151

Eastern and Northern Ontario
Statistics Canada
Civic Administration
225 Holditch St.
Sturgeon Falls, Ont.
P0H 2G0
(705) 753-4888
Toll Free Service:
1-800-461-1662

Manitoba
Statistics Canada
6th Floor
General Post Office Bldg.
266 Graham Avenue
Winnipeg, Man.
R3C 0K4
(204) 949-4020
Toll Free Service:
1-800-282-8006

Saskatchewan
Statistics Canada
5th Floor
530 Midtown Centre
Regina, Sask.
S4P 2B6
(306) 780-5405
Toll Free Service:
1-800-667-3524

Alberta and Northwest Territories
Statistics Canada
2nd Floor
11010 - 101 Street
Edmonton, Alta.
T5H 4C5
(403) 420-3027
Toll Free Service:
1-800-222-6400

British Columbia and Yukon
Statistics Canada
Main Floor
1145 Robson Street
Vancouver, B.C.
V6E 3W8
(604) 666-3691
Toll Free Service:
South and central B.C.
112-800-663-1551
Yukon and Northern B.C.
Zenith 0-8913

C. Indian and Northern Affairs Canada

1. General Description

The databases of Indian and Northern Affairs Canada relate to the Status Indian population and include Indians off-reserve, on Crown lands and settlements. INAC operates a number of national and regional databases relating to a broad range of activities and at varying levels of specificity. Highlighted below are those bases which, through consultation with officials in the Corporate Policy Sector, are believed to be useful sources for Native justice research.

2. INAC - Status Indian Population Register

The Indian population register provides information on all Status Indians by Band, age, sex and residence, and is split by on-reserve/off-reserve according to the following criteria.

a. On-Reserve refers to registered Indian Band members who live:

i) on reserves set aside for the Band;
ii) on other reserves set aside for other Indian Bands;

iv) on Crown lands administered by other Bands; or
v) on other Crown lands.

b. Off-Reserve refers to those registered Indians living away from their reserves or communities, as defined above under on-reserve, for twelve consecutive months for reasons other than school or health needs.

It is noted that the information in this database may differ from Statistics Canada's Census, because of differences in data collection methodologies and in the definition of ethnic origin. A principal reason for reporting differences is that the Statistics Canada's definition reflects ethnic origin, as traced through either side of the family, whereas the Indian and Northern Affairs Canada definition reflects legal status of Indians, as defined by the Indian Act. Additional factors include the timing of the Census, (INAC's "12 consecutive months" definition of residency on-reserve contrasts greatly with the Census criteria, which is simply place of residence on one particular day i.e. June 3), non-reporting by several reserves and the exclusion of the inmate population from the 1981 Census.

It is also noted that the INAC fifteen-year population projection (1981-1996) for Status Indians by age and sex will be updated every two years. These projections (which are produced according to high, medium and low ranges) were available as of March 1985.

3. Socio-Demographic Research - Special Cross-Tabulations

As the result of a contract between the Socio-demographic Research Section and Statistics Canada, a series of cross-tabulations, based on the 1981 Census has been produced. These tables are available on hard copy, microfiche and magnetic tape.

The tables have been developed by INAC and produced using two new ethnic group categories which INAC believes more closely reflect the legal definition of Indians as defined in the Indian Act, which are as follows:

a. Ethnic Groups (Variable 5): Registered Indian population (total, including those of current, potential or possible status); registered Indian population residing on-reserve (as legally-defined by INAC); registered Indian population residing off-reserve; all other ethnic groups.

non-Status Indians and Inuit; and non-Natives.

The tables have been produced for the provinces and Northern Canada (Yukon and the Northwest Territories), in addition to the following Census metropolitan areas and Census agglomerations:

Montreal	Saskatoon
Ottawa-Hull	Prince Albert
Toronto	Calgary
Hamilton	Edmonton
Sudbury	Vancouver
Sault Ste. Marie	Prince Rupert
Thunder Bay	Port Alberni
Winnipeg	Victoria
Regina	London

Sixty-eight cross-tabulations relating to demographic, social and economic variables of the Indian and non-Indian populations, and thirty-five tables in addition to four tables based on 1971 Census data, relating specifically to the demographic, social and economic conditions of the Inuit, have been produced. These tables yield an unprecedented level of information on Native people. The Socio-Demographic Research Section will be producing a series of reports on the registered Indian population which will include:

a. National Canada report;
b. Methodology report on the databases;
c. Provincial reports;
d. Off-reserve review;
e. Education;
f. Housing;
g. Economic overview.

It is noted that the information base contains comparable data on the non-Status and Métis populations, however, this will not be exploited in the above studies. It can, however, be made available to other interested researchers.

4. Indian Self-Government - Band Databases (ISGBD)

The Constitutional Affairs Directorate is in the process of developing an Indian Self-Government Band Database which will contain the following components:

a. Band description (Band number, name, district code);
b. Band history (narrative);

c. Population;
d. Band location, reserve size, natural resources;
e. Indian Act (relationship of Band to the Indian Act);
f. Cultural indicators;
g. Economic profile, including labour force and income information;
h. Program financial information;
i. Trust Funds;
j. Management/Administration;
k. Organization (Tribal district, etc.).

This database will be accessible on micro-computers.

D. Health and Welfare Canada

1. Overview

A principal source of information within Health and Welfare is the National Native Alcohol and Drug Abuse Program described below. It should be noted that another useful information source, deemed outside the parameters of this study, could be the National Clearinghouse on Family Violence.

2. National Native Alcohol and Drug Abuse Program (NNADAP)

NNADAP is a federal program designed to reduce and, in the long-term, eliminate alcohol and drug abuse in Native communities. The specific objectives of NNADAP include the following:

a. Increase coverage, availability and quality of alcohol and drug abuse prevention and treatment services to Native people;

b. Increase Native community control over program management, design and service delivery;

c. Develop awareness about the adverse affects of substance abuse and to affect significant attitudinal changes towards substance abuse;

d. Establish an interdisciplinary and balanced program of support services;

e. Develop through research and field experience, a better appreciation of the cause/effect relationship between substance abuse and prevention/treatment; and

f. Through a reduction in substance abuse, reduce related social/familial disruption in Native communities, enhance Native community participation in programs and recreational activities, and strengthen Native/community identities, sense of community and self-reliance.

To this end, each NNADAP region has undergone a Needs Assessment to provide a detailed overview of the extent of the alcohol/drug problems in order to document the program needs. The Assessments are in various stages of completion.[25] While each Needs Assessment had comparable objectives - to document the extent of current and potential alcohol/drug and other substance abuse, and to provide an analysis from which regional priorities can be set - the methodologies and degree of coverage vary. Essentially, these reports have merged information drawn on secondary sources - Statistics Canada and INAC - with community and expert opinion based surveys, to provide a comprehensive community profile of the problem. A recognized shortcoming in these reports is the problem of documenting the situation for non-Status Indians and Métis, particularly in the urban setting. Only two of the regional reports - British Columbia and Ontario - deal with this population sector. In general, these reports provide useful descriptive data on the consequences of alcohol, drug and substance abuse in the communities, including indicators such as the following:

a. Child neglect and abuse;
b. Family break-up;
c. Death;
d. Violence - family and social;
e. Suicide;
f. Medical consequences;
g. Traffic accidents;
h. Employment problems;
i. Problems with the law.

In addition, attempts are made to document and analyze the social and economic factors which contribute to alcohol, drug and substance abuse, such as unemployment, poor housing, lack of recreational facilities, lack of educational opportunities and the acceptability of alcohol in communities. Unfortunately, little substantive detail is provided for urban/off-reserve situations.

It is anticipated by NNADAP that these Needs Assessments will be updated on a regular basis and that community developments and indicators of change will be documented. To this end, a baseline information collection and reporting system to monitor and evaluate treatment programs is being put into place. It is anticipated that implementation of this system will be phased selectively into the regions. Of interest to Native criminal justice research is that the proposed intake from NNADAP treatment centres will include information on racial origin (Status, non-Status/Métis, Inuit) in addition to legal status information (bail, probation, parole, temporary absence, other). Similar information will be available for prevention programs.

E. Other

1. Aboriginal Services Review

At the March 1984 First Ministers' Conference on Aboriginal Constitutional Matters, Senator Austin was given the mandate to direct a review of all social, cultural and economic services and programs to Aboriginal peoples. The purpose in conducting such a review was to document the services and programs conducted by federal and provincial/territorial governments for Native people (categorized as Status Indians On-Reserve, Status Indians Off-Reserve/Non-Status Indians, Inuit, Métis). A questionnaire was sent to the appropriate authorities to collect data on the following:

a. Housing;
b. Community infrastructure;
c. Education, training and employment;
d. Health;
e. Justice/legal services;
f. Communications;
g. Reserves and trusts;
h. Culture and Band government.

F. Summary

Statistics Canada can provide a wide range of information at the national and for sub-provincial geographic areas. Essentially, this information is available through Census tabulations, of which the 1981 Census represents a comprehensive compilation of Native population data. There also exists the possibility of tapping administrative sources, such as unemployment insurance data, through the Small Area Data Program, a user-oriented service. These

sources could provide significant information on socio-economic conditions for Native people on-reserve, off-reserve, and urban and rural settings. By combining and manipulating information, these data sources and criminal justice data available through the Canadian Centre for Justice Statistics, allow the possibility of developing correlations, although it would appear that this potential exists only in the case of on-reserve areas.

Much of the Native-related data are available through special User Summary Tapes, and a special unit has recently been created to improve data integration and access to data on special target groups.

Indian and Northern Affairs Canada (INAC) was the second major data source discussed. It was noted that special cross-tabulations, based on 1981 Census data, have been contracted by INAC and are available for research purposes. In addition, a micro-computer database, which will contain important Band information relating to self-government, is being developed by the Constitutional Affairs Directorate.

Finally, the National Native Alcohol and Drug Abuse Program administered by Health and Welfare has developed a series of regional, comprehensive Needs Assessments, which contain useful information on a wide range of social, medical, economic and criminal justice factors. These studies would be useful information sources in alcohol/crime related research.

CHAPTER 4 - THE DATABASE REVIEW - CRIME PATTERNS

A. Overview

This Chapter describes the major databases which provide information on Native crime patterns as they relate to on-reserve and off-reserve, rural and urban situations. On-reserve is defined as reserves and Crown land on which Indian Band(s) reside. Off-reserve may refer to rural/non-reserve or urban/non-reserve.

This section relies principally on information provided from the Canadian Centre for Justice Statistics, the RCMP, information on police forces collected as part of the Ministry's inventory of Native criminal justice research and programs,[26] and information available through sentencing research underway within the Ministry.[27]

B. Canadian Centre for Justice Statistics

1. Uniform Crime Reporting Program

The Uniform Crime Reporting System began collecting crime data in 1962. Since 1974, coverage has expanded to eighteen crime classifications, with seventy-two further sub-classifications. Participating in the program are the Royal Canadian Mounted Police, the Ontario Provincial Police, the Quebec Police Force, the police of the CN and CP Railways, the National Harbours Board Police and the New Brunswick Patrol and indigenous police forces. Statistics are reported to Statistics Canada by each police force, according to Form "C" - Crime Statistics.[28] Included in these monthly statistical reports are the number of offences reported or known to police, unfounded offences, actual offence number, offences cleared and persons charged. Crime and Traffic information is then compiled and reported in selective publications in a variety of formats - by province, by population size and by police force.

With respect to "persons charged", information is recorded as either adult male or adult female. Male and female juveniles are reported separately, but are combined in published documents.

Information on the racial origin of "persons charged" is not recorded. Thus, on the surface this data source does not appear to provide any relevant information for Native justice research. There are, however, instances in which

reserve data can be isolated, in circumstances where the UCR area coincides with the reserve. Moreover, it may be possible to correlate the crime data with socio-economic data available from Statistics Canada sources. Such an approach has been attempted by the Centre with respect to three Ontario reserves and one neighbouring non-Native community, where UCR data were merged (manually) with selected social and economic characteristics, which produced divergent community profiles among all crime, social and economic characteristics utilized.[29] By combining and manipulating these two diverse data sets, possibly utilizing micro-computer technology, time series data could be constructed. It should be noted that Census data would only be available for every five-year period, because projections are not developed for the Native data. Furthermore, the data may be affected by comparability limitations between various censuses.[30]

UCR data would be available from the following sources:

a. Where Indian reserves have indigenous police forces, the UCR data are readily available;

b. For Quebec reserves, most reserve data are available from the OPP;

c. In Ontario, the data for Indian reserves are available from the OPP, where the reserve corresponds to a reporting area.

d. The remainder are available through the RCMP Operational Statistics Reporting system, described below.

2. Homicide Program

The Homicide Program, which records all deaths believed to be homicide, began operation in 1961. Data arecollected from all police departments across Canada and is updated as new information becomes available. A Homicide Return form is completed by the reporting police force for each homicide occurrence. This form provides information on the following:

a. Nature of the occurrence - offence, according to the following categories: murder, manslaughter, infanticide, Criminal Code section, location of offence, date of offence, means of offence, apparent motive, circumstances of alleged offence (narrative format);

b. Victim - name, address, sex, age, marital status, racial origin;

c. Accused - name, address, FPS number, date of arrest, sex, date of birth, place of birth, marital status, racial origin, occupation, education, relationship to victim;

d. Standing of case - cleared by charge, warrant issued, cleared otherwise, not cleared;

e. Court Procedure - arraignment, preliminary inquiry, trial, other, court location, court date.

This information is then transferred to applicable "cards" for processing. These "cards" provide for further breakdown of the information provided on the homicide return, and are as follows:

Card 1 - Victim and Offence
Card 2 - Suspect
Card 3 - Court Procedure Adult Suspect/Adult Court
Card 4 - Court Procedure per Juvenile Suspect (in cases where the case is elevated to Adult Court)
Card 5 - Juvenile Court Procedure per suspect-juvenile.

The information fields within this program are currently under review and, because a current data element dictionary was not available, it is uncertain how much information can be extracted from the system. For example, it was initially believed that the program could provide detailed information on the offence location. On closer inspection, however, it was determined that the geocodes only reflect either municipal or provincial areas, and would not be very specific.

Of particular interest is that the Homicide Program collects information on racial origin. This information field is an open-ended category, and is officer-observed. In some cases the help of additional information sources is sought (such as the victim's family) to obtain the required information.

Although this field has been part of the program since its inception, the information is not normally integrated into the program's statistical reports. Only in a 1976 publication, Homicide in Canada: A Statistical Synopsis,[31] is racial origin referred to, where it was noted that the homicide rate among Native peoples was

disproportionately high for the period under study (1961-1974), and that it occurred mainly in the context of domestic relationships. Further, it was noted that Native homicide victims were disproportionately represented: in 1961, Native people comprised 1.2% of the population, and 1.5% in 1971, while 16% of the homicide victims in that period were of Native origin.[32] Unfortunately, these data have not been further explored outside of this observation. The reasons for this are believed to relate to this being one of the "softer" information fields in the database. No guidelines are provided to the reporting officer as to what is meant by "racial origin", and therefore the degree of specificity in responses may vary considerably. Attempts are made by the program staff to clarify any dubious information fields with the reporting officer, however, this may not always be possible.

3. Police Administration Survey

The general objectives of this survey are to measure personnel and expenditures of police forces across Canada. One of the data elements to be collected deals with the general breakdown of Native Special Constables in Canada. This survey will come into effect January 1987 and the dissemination of the data will take place in late 1987.

C. Royal Canadian Mounted Police

1. Operational Statistics Reporting System (OSR)

The OSR system records aggregate statistics relating to crime activity and feeds into the Uniform Crime Reporting Program discussed above. Racial origin is not a data element within the system and therefore it is not possible to ascertain directly Native crime patterns from the database. It is noted that the statistical base is grouped into specific populations by detachment areas, and most reserves policed by the RCMP are grouped as contained detachments. This information can then be utilized to document specific crime rates for identified population sectors. As outlined above, this type of crime data could be combined with other data sources available through Statistics Canada.

2. Occurrence Reports

An Occurrence Report form is filled out for each occurrence to which an RCMP officer responds. The information contained in this report includes the following:

a. Nature and location of the occurrence;
b. Suspect information, including racial origin, recorded according to officer observation;
c. Charge information, where applicable;
d. Vehicle information;
e. Action taken;
f. Manner in which the case was cleared.

These reports are kept in manual format at the detachment level.

Access to these files would require written permission from the Ministry. Since a review of the information kept at this level would necessitate on-site evaluation, it has not been possible to review actual file content. Thus, the actual utility to native criminal justice research is unknown and depends on the degree of accuracy and completeness with which the racial origin category is completed on the forms, and the completeness of the remaining information fields. At best, these could yield limited information on differential charge rates (Native/non-Native) within various RCMP detachments. Certainly, the fact that these files are in manual format detracts from their utility. However, given the paucity of information of any kind on crime patterns, it is a potential source for future research.

3. FPS/CPIC

It is noted that the FPS form C612, which is filled out in the cases of arrests relating to indictable offences or mixed indictable/summary offences, contains a racial origin information field. This is filled out by all police forces dealing with such offence categories. Information is then inputed to the FPS/CPIC database. It would appear that some police forces identify racial origin on form C612, but this information is transferred into white/non-white categories on the database.

It should be noted that the Canadian Centre for Justice Statistics is currently involved in developing an automated operational database for court statistics using FPS and CPIC data. This study has attempted to examine the quality of the collection system, through methods

such as the dissemination of a questionnaire to police forces to determine their recording practices, an examination of the conformity between local police records and the database in selected sites, and an examination of the conformity between The Correctional Service of Canada's Operational Information System (OIS) and FPS data.

From the perspective of providing information on crime patterns, the FPS/CPIC base is a limited source since it only provides data on more serious (indicatable and mixed indictable/summary) offences. If linked to OIS, however, it could be useful for Native criminal justice research because it would be possible to identify detailed Native/non-Native offence patterns.

D. Other Law Enforcement Agencies

A survey of recording practices on racial origin within Canadian criminal justice agencies was undertaken as part of an inventory of Native criminal justice program and research activities conducted by the Ministry of the Solicitor General.[33] City police forces in areas of population of 50,000 were contacted. From the survey, it appears that only in the case of serious offences is racial origin in any way systematically recorded. Of the thirty-two police forces reporting to the survey, only eleven indicated that racial origin was collected on any form.

E. Courts

The above survey also sampled twelve courts within various jurisdictions. None of the respondents indicated that they collect racial origin information. The Canadian Centre for Justice Statistics/Courts Program officials were also consulted and it was indicated that racial origin data are not collected at the court level.

It was noted that, where Native courtworker programs are in operation, limited information on the Native clientele served by this program is available through the Department of Justice. At present, the type of information submitted is evaluation-oriented. Baseline information, including descriptions of the referral process, number and profile of Native people assisted, number of courts and Native communities served, is not available. Currently, the department is in the process of defining and negotiating its information requirements in these areas, which may improve the research potential of this source.

F. Summary

Returning to the research questions which were initially posed on Native/non-Native crime patterns, it is apparent that existing data sources as identified thus far, are able only to provide limited information relating to Native/non-Native crime patterns.

1. With respect to on-reserve/off-reserve rural/off-reserve urban crime patterns, there are wide deficiencies in existing data systems. Under current collection procedures, it is not possible to discern specific Native/non-Native crime patterns for these various situations. It is only possible to extract and isolate information concerning the following:

   a. On-Reserve Crime Patterns - Using UCR data, it would be possible to determine the crime rates in the cases where reserves correspond to the UCR boundaries. It may be possible in some circumstances, to merge this information with other Small Area Census data to develop a profile of crime patterns under varying demographic, social and economic conditions. This has been explored, to some extent, by the Canadian Centre for Justice Statistics and it is understood a similar procedure was utilized in the Joint Canada-Saskatchewan-FSIN law enforcement study. This research avenue could yield important information ofoverall criminal justice strategic development for issues relating to self- government. A possibility exists that a comparative analysis of non-Native communities of similar size and geographic location would be undertaken.

   b. Homicide Patterns - Using available data from the Homicide Program, it may be possible to develop an historical, comparative study of Native/non-Native homicide offences from 1963-1983. Depending upon an assessment of the database for reliability, it would appear possible to examine a number of critical dimensions such as the type of homicide, the context in which it was committed, and the social, economic and demographic characteristics of each defined offender and victim group.

   c. Homicide Victims - Either as part of the above study, or as a separate study, an historical study of Native/non-Native victims of homicide could be undertaken. This could explore important comparative questions relating to the relationship between offender and victim.

CHAPTER 5 - THE DATABASE REVIEW - NATIVE YOUNG OFFENDERS

A. Overview

This Chapter identifies data sources relating to Native young offenders. It relies on information obtained from the Canadian Centre for Justice Statistics, the Young Offenders Directorate of the Ministry of the Solicitor General's Policy Branch and on supplementary, although limited, information on provincial data sources as obtained in the Ministry of the Solicitor General's inventory of Native justice research and programs.

The proclamation of the Young Offenders Act on April 2, 1984, and the coinciding repeal of the Juvenile Delinquents Act, represent major changes in the philosophy and operation of juvenile justice. Record maintenance and destruction provisions, and developing information systems, may alter the kind of information available for research. These and other related issues are discussed in Chapter 6 of this report.

B. Canadian Centre for Justice Statistics

1. Juvenile Justice Program

The Juvenile Justice Program began operation in 1974 and has collected information pertaining to juvenile offenders charged and processed under the Juvenile Delinquents Act. The information is initially collected by the police. In most cases, the reporting form serves two purposes:

1) as the legal document for the laying of the charge, and

2) as the document for recording the processing of each case for the Centre's purposes.

Since juvenile justice is a provincial responsibility, each province, as well as the Yukon and the Northwest Territories, report to the Centre. Information is then tabulated into both a national profile as well as individual provincial reports. The nature and amount of information on the form under the Juvenile Delinquents Act varies in degree of detail with each province.

The program is currently undergoing both semantic and substantive revisions in order to accommodate changes resulting from the Young Offenders Act.[34]

The forms used by each province were reviewed to determine whether racial origin was recorded. Only three reported racial origin, in the following categories:

a. New Brunswick (Status Indian, non-Status Indian, other North American Indian, Eskimo, Métis, other);

b. Saskatchewan (Indian/Treaty, Métis, other);

c. Northwest Territories (Indian/Treaty, Métis, other).

However, it was revealed in discussions with the program officials, that concerns about the poor quality of the data relating to matters such as the method and consistency and comprehensiveness of coverage, have resulted in the deletion of this variable from most analyses. A check into the base by Centre staff confirmed data deficiencies. It was also learned that, on the new forms for the program under the Young Offenders Act, only Saskatchewan is proposing to continue listing ethnicity.

C. Department of Justice

1. Youth Courtworker Needs Analysis

A project has been completed in Quebec to determine the needs of young offenders under the Young Offenders legislation and to determine whether the existing courtworker programs/services are adequate for these identified needs. The components of this study include a review of the literature dealing with Native offenders and the law, and interviews with Native community members from the following spheres: Native youth and family, Band Councils, Justices of the Peace, Native courtworkers, members of the judiciary, legal and law enforcement professionals and other social services.

D. Ministry of the Solicitor General

1. National Juvenile Court Study

The National Juvenile Court Study race variable was reviewed to determine whether enough Native cases exist which could be isolated for further analysis. Of the nine sites, only 180 cases (7.10%) were categorized as Native. Since this was an observational item, a proportion of Natives may have been categorized in the Unknown category, hence the apparent low numbers. These were split between four sites and it would appear that in none of these sites are numbers high enough to warrant further investigation.[35] It is noted, however, that the

Edmonton sample tentatively observed some differences between the offender profile of Native and non-Native young offenders. Although the sample size was small, a higher proportion of Native juveniles had prior findings of delinquency, they experienced more Court hearings than non-Natives, and were more likely to have previous detention experience. These indicate that further research to determine the significance of these findings is required.[36]

2. A Study of Manitoba's Northern and Rural Courts

The purpose of this study was to describe the Juvenile Court process in hinterland Manitoba, based on site information obtained from twenty-two northern and sourthern, Native and non-Native communities. A principal objective was to observe differences in the operation of the Courts within these various court settings, particularly in Native communities, and to identify the issues concerning justice in northern and rural communities. The study is completed.

CHAPTER 6 - DATABASE REVIEW - NATIVE INMATES IN FEDERAL INSTITUTIONS

A. Overview

This Chapter describes existing sources of data on Native inmates which are held by The Correctional Service of Canada (CSC) and the National Parole Board (NPB). The focus is on identifying data held in automated systems. Also noted are developments occurring both within CSC and NPB which are changing and expanding the amount of available information.

B. Operational Information System (OIS)

1. General Description

OIS is an on-line developmental information system, which was initiated in 1976 with the conversion of the Inmate Record System files to the system. Currently the OIS database contains information on all federal inmates incarcerated since 1970. The information is based on individual records, keyed by a fingerprint serial number (FPS). In 1981, the system was expanded with the integration of temporary absence files and the National Parole Board Statistical Information System (NPSIS).[37] OIS presently contains 252 data fields.[38] The database files include the following:

a. Tombstone File - inmate identification information;

b. Federal Term File - admission, incarceration and release information;

c. Provincial Term File - admission, incarceration and release information;

d. Offence Synopsis File - summary of the inmate's criminal history;

e. Offender Offence File - offence and sentence information;

f. Offender Features - physical features of the inmate;

g. Offender Aliases - alias name(s) used by the inmate;

h. Offender Associates - associates of the inmate;

i. Transfer File - inmate's institutional transfer history;

j. Temporary Absence File - a record of all temporary absences granted to each inmate;

k. NPB Decision File - a record of each National Parole Board decision relating to each inmate;

l. Parolee Transfers File - parolee transfer date, destination, jurisdiction authority information;

Data relating to admissions, transfers and release are entered at the institutional level and are updated as changes occur. Conditional release data are normally entered at the national level as the information becomes available.

Two files which are in the process of being integrated into the system are as follows:

m. Institutional Incidents File - a record of institutional security incidents (since 1980) relating to each inmate, including incident type, description, Court type, disposition; and

n. Supervision File - a record of the parole office supervision to an inmate under day parole, unescorted temporary absences, full parole or mandatory supervision.

OIS has indicated that under most circumstances cross-referencing between data files can be done, however, there may be relative degrees of efficiency and expediency. Evaluations would have to be made on each extraction requested.

It is understood that there are some concerns about the variance in consistency and quality of information in OIS. Of immediate concern for Native justice research are the problems associated with the ethnic status category. Past studies and comments by various officials in the course of this project indicate that this source may not be wholly reliable, particularly in reference to Quebec region data. These concerns have been voiced for some time in documents such as the Métis and Non-Status Indian Crime and Justice Commission's final report of 1977 and, more recently, in a review of the Native Liaison Program.[39] Within individual categories, it would appear that Indian/Status versus Indian/Non-Status versus Indian/Not Stated are particularly problematic. Much of the credibility of Native inmate related research depends on the accuracy of this information field.

The following limitations are known:

a. It is a self-declared field. Data collection procedures are not standardized in existing documentation (i.e. the Case Management Manual) and may be subject to variation, based on discretion in the way the field is defined and applied.

b. Prior to 1977/78, the coding structure was such that North American Indian, Métis and Eskimos were the identified Native categories. The "Not Stated" category would include all those of ethnic origin, who did not identify an ethnic origin.

c. Prior to March 1983, only three broad categories applied to Natives. These were North American Indian, Métis and Inuit. The "not stated" category again includes all those, regardless of ethnic origin, who did not identify an ethnic origin.

d. Since March 1983, the categories have been expanded to include Status Indian, Non-Status Indian, North American Indian Not Stated, Métis and Inuit. An additional category, "Other", has been introduced to account for all those, other than those of Native ancestry, who have not stated an ethnic origin. It is important to note that "Not Stated" admissions prior to March 1983 have not been reviewed to determine whether Native status can be determined, and re-coded. Thus, the "Not Stated" North American Indian category is an undercount, by an undetermined degree, within the 145 cases in the category.

2. Data Elements: Potential Use and Limitations

a. Tombstone File:

The data elements within this file are: alias file indicator; date of change transaction; date of transaction entry; feature file indicator; fingerprint serial number (FPS); lifetime major offence; lifetime offence type; narrative file indicator; offender birthdate; offender birthplace; offender citizenship; offender complexion; offender education level; offender eye colour; offender hair colour; offender height; offender language; offender marital status; offender name; offender next-of-kin; offender next-of-kin address; offender race; offender residence; offender security level; offender sex; offender weight; sounds-like code; user identification code; and weight measure indicator.

Data elements within this file are particularly relevant to demographic profile research on Native inmates. Those of potential utility are detailed below.

i) Lifetime major offence - This field represents the most serious offence conviction in the offender's lifetime. If more than one offence was committed the value represents the longest sentence received. If more than one offence with equal sentence length is received, the value represents the offence with the greatest potential penalty. If there exists more than one offence with equal potential penalties, it equals the first offence conviction.

ii) Lifetime Offence Type - This field qualifies the offender's offence as either S = summary offence, C = conspiracy, A = attempt to commit, D = dangerous offender (if blank, it equals the actual indictable offence code stated in the Criminal Code). This could be useful in comparative security risk studies.

iii) Offender Birthdate - The date on which the offender was born, as reported by the offender (yy/mm/dd).

iv) Offender Education Level - The level of formal education of the offender (illiterate, 01-13 completed, post-secondary, not stated). Note: this is currently not input.

v) Offender Language - The offender's language of preference, as reported by the offender (not stated, english only, french only, english/french, other). Since this represents language preference for processing, and not first language, and since the "other" category is non-specific, Native language is not captured.

vi) Offender Marital Status - Self-reported (single, married, common-law, widowed, separated, divorced).[40]

vii) Next-of-Kin - Name, relationship and partial address of the offender's next-of-kin, as reported by the offender.

viii) Next-of-Kin Address - Offender's next-of-kin address, as reported by the offender.

ix) Offender Race - Race, as reported by the offender (Caucasian, North American Indian/ Status, North American Indian/non-Status, North American Indian/Not Stated, Métis, Inuit, Asiatic, Black, other). OIS indicates that the reliability and consistency of this is suspect (see discussion above).

x) Offender Residence - Offender's province of residence prior to conviction for the latest offence. Home community cannot be determined in the existing system.

xi) Offender Security Level - As derived from the Penitentiary Placement form. Note: this field may not currently be input.

xii) Offender Sex - Male, female.

These data elements would have to undergo further scrutiny. Unfortunately, it does not appear that information relating to pre-incarceration family, social and economic factors is captured, nor is information regarding the involvement of drugs/ alcohol recorded. Location of offences and offender residency are other key missing variables. This information may be available from other sources such as manual CSC/NPB inmate files.

b. Federal Term File:

The data elements within this file are: admission aggregate sentence; admitting institution; admission major offence; admission major offence type; admission type; aggregate sentence; avoid driving indicator; avoid drugs indicator; avoid gambling indicator; avoid intoxicants indicator; avoid persons indicator; avoid places indicator; current term record indicator; date of admission; date of appeal; date of arrest; date of admission; date of day parole eligibility; date of parole eligibiligy; date of probable release; date of release; date of supervision termination; date of UTA eligibility; date of warrant expiry; date of admission sentence commenced; date sentence commenced; deportation indicator; earned remission; earned remission recredit; escape count; escape status indicator; fingerprint serial number; institution of incarceration; offender name; offender number; other conditions indicator; parole eligibility restriction; police reporting indicator; probable release type; psychiatric treatment indicator; region of incarceration release destination on parole; release type; security classification; security

classification reason; status of appeal; statutory remission; supervision agency; supervision parole office; supervision termination types; term identification; term major offence; term major offence type; time served previously.

c. Provincial Term File:

Data in this file includes: admission institution; admission type; aggregate sentence; avoid driving indicator; avoid drugs indicator; avoid gambling indicator; avoid intoxicants indicator; avoid persons indicator; avoid places indicator; date of change transaction; date of day parole eligibility; date of parole eligibility; date of release; date of supervision termination; date of warrant expiry; date release due; date sentence commenced; fingerprint serial number; institution of incarceration; major offence counts; major offence; other conditions indicator; parole release destination; police reporting indicator; provincial offender birthdate; offender name; sex; psychiatric treatment indicator; user identification code; release type; second major offence counts; supervision agency; supervision parole office; supervision termination type; term identification.

d. Offence Synopsis File:

Data elements within this file include: date of change transaction; date of transaction entry; fingerprint serial number; synopsis accomplice indicator; synopsis narrative details; synopsis outstanding charge 1/charge 2/charge 3; synopsis reference number; synopsis victim indicator; synopsis weapon used 1/2; term identification.

e. Offender Offence File:

Data elements within this file include: date of change transaction; date of sentence; fingerprint serial number; major offence indicator; offence code; offence length days; offence length years; offence length months; offence sentence counts; offence place sentenced; offence sentence maximum; offence sentence type; offence sequence number; offence type; term identification; user identification code.

f. Offence Feature File:

Data elements within this file include: date of change transaction; fingerprint serial number; offender features; user identification code.

g. Offender Alias:

Data elements within this file include: date of change transaction; fingerprint serial number; offender alias name; user identification code.

h. Offender Associates File:

Data elements within this file include: associate address; associate name; associate offender FPS; associate record type; associate reference file; associate reference number; associate victim injury; date of change transaction; date of transaction entry; fingerprint serial number.

i. Transfer File:

Data elements within this file include: date of change transaction; date of inmate transfer; fingerprint serial number; inmate number on transfer; inmate transfer from institution; inmate transfer reason; inmate transfer serial number; inmate transfer to institution; term identification.

j. Temporary Absence File:

Data elements within this file include: date of change transaction; date of temporary absence end; date of temporary absence return; date of temporary absence start; fingerprint serial number; temporary absence escort type; temporary absence completion; temporary absence destination; temporary absence end time; temporary absence granting authority; temporary absence institution; temporary absence purpose; temporary absence return time; temporary absence start time; temporary absence type; term identification; temporary absence permit number.

k. National Parole Board Decision File:

Data elements within this file include: date of decision; decision Board votes; decision cancelled indicator; decision group identifier; decision institution; decision number; decision recommendation; decision region; decision type; fingerprint serial number; jurisdiction authority; parole office jurisdiction; supervising agency; term identification.

l. Parolee Transfer File:

Data elements in this file include: date of parolee transfer; fingerprint serial number; jurisdiction authority; parolee transfer destination; parolee transfer source; term identification.

m. Institutional Incidents File:

Based on information contained in the OIS Data Dictionary, this file will include: date of change transaction; date of transaction entry; fingerprint serial number; incident Court type; incident description; incident disposition; incident disposition date; incident file reference; incident injury; incident inmate type; incident inmate involvement; incident inmate plea incident; inmate sentence; incident instigator; incident institution; incident location; incident method 1; incident method 2; incident number; incident offender status; incident property damage; incident associate pointer; incident sentence days; incident time; incident type; incident weapon contraband 1; incident weapon contraband 2; term identification; incident force indicator; incident recapture date.

3. OIS/FPS Link

The possibility of linking the OIS to the RCMP FPS is presently under study. Currently, a 4% sample has been extracted from the database to develop and test the link-up. From the perspective of Native justice research, an FPS/OIS link would make it possible to track back on a given offender's criminal record since FPS, contrary to OIS, records all offences not only the most serious offence. It is, however, limited to indictable or mixed summary/indictable convictions and the parameters of the system are not presently known. It is not yet established as to how far back in an offender's criminal record the system could reach, since there were both OIS and FPS code changes in the 1970s which may pose some limitations. Presently, FPS holds complete records to the 1920s, including juveniles who have been issued FPS numbers and individuals who have received pardons, although it is likely that these latter categories will be purged from the database to comply with legislative requirements.

There may be some difficulties and limitations in the type of information which would be available on Native inmates. For example, reliance would still be on the OIS race variable, since FPS only records race on a white/non-white basis (officer identified). Unfortunately, apart from the complete offence history, FPS cannot provide missing OIS information such as the location of the offence and drug/alcohol involvement. It is likely that in the future, the police force reporting the crime will be recorded, which could have utility as an indicator of crime location.

If the FPS/OIS link proves successful, it could provide useful information for future research on criminal career patterns, within limitations of most serious offences.

4. Available Reports

a. Population Profile Reports:

OIS produces annual population profiles which have been available in separate Native/non-Native format since 1977. These reports provide information by institution, by region, and at the national level, federal inmates incarcerated in provincial institutions. The information provided includes tables on the following:

1. Type of Admission
2. Major Offence
3. Province of Sentence
4. Aggregate Sentence
5. Time Served Since Last Admission
6. Number of Previous Commitments
7. Inmates Eligible for UTA, DP and FP in the Next Two Years
8. Probable Release Dates for MS Releases Only
9. Life Offences
10. Citizenship
11. Province of Residence
12. Age
13. Race
14. Language
15. Religion
16. Marital Status

A difficulty is that the provincial level reports do not display information by gender. It was learned from OIS staff, however, that it is possible to extract this information, but it is not routinely done for this report.

b. Comparative Statistics: Native and Non-Native Federal Inmates - A Five-Year History[41]

Although this report was not an OIS document, it illustrates how OIS can be used to provide a descriptive time series analysis of Native/non-Native differentials.

C. Manual Information Systems

1. CSC Inmate Files - Headquarters

In addition to inmate institutional files described below, a central file registry was maintained at Ottawa Headquarters which contained topics of central documents pertaining to an inmate's institutional history.

However, this system was abolished in August 1986 as these were mostly duplicate offender case-related records and the originals, except for inmate correspondence, were kept in the field. The files will be transferred to the Public Archives Federal Records Centre in Ottawa where they will be retained for five years.

The types of documents likely to be found in these files are listed below. Those of major interest to Native inmate research are the penitentiary placement form; progress summary and the community assessment, all of which can provide qualitative information not available within the automated system. The degree of completeness may vary from file to file:

a. Admission form;

b. FPS series;

c. Community assessment (based on interviews with the inmate family/social relationships, including names, relationship to inmate; employment, schooling; accommodation, finances; community support and acceptance; special considerations; supervision requests);

d. Penitentiary Place Report (records information used in the classification and placement process: includes information relating to personal data; security level; history of violence; institutional history program factors; education and employment; drug/alcohol involvement; needs analysis; occupational/program interests);

e. Progress Summary Report (case review prepared for decision-making bodies concerning institutional transfers and conditional releases which covers information relevant to the inmate's criminal history; degree of participation in programs; relationships with staff and other inmates; transfer history and plans; security classification; social contacts, use of leisure time; institutional offence conviction; earned remission);

f. Psychological Services Reception Assessment;

g. Transfer form/Warrant;

h. Temporary Absence Permit;

i. Preventive Security Unusual Occurrence Report;

j. Report of Inmate Injury;

k. Medical Services Report;

l. Quarterly Supervision Report;

m. Supervision Special Report

A review of selected Native inmate files would be warranted to assess the completeness of the information contained in these files. This will require written permission from CSC.

2. CSC Inmate Files - Institutions

A complete inmate file is kept on each inmate at the institution in which he or she is incarcerated.[42] The types of documents which may be included in an inmate's institutional file can include:

a. Warrant of Committal;
b. Admission form;
c. FPS Report;
d. Community Assessment (see description above);
e. Penitentiary Placement Report (see description above);
f. Psychological Reception Assessment Report;
g. Progress Summary Report (see description above);
h. Transfer form/Warrant;
i. Report of Inmate Inquiry;
j. Preventive Security Unusual Occurrence Report;
k. Medical Report;
l. Disciplinary Board Report;
m. Cell Assignment;
n. Temporary Absence documentation;
o. Parole documentation;
p. Quarterly Supervision Report;
q. Supervision Special Report;
r. Notification of Reasons for Suspension;
s. Warrant of Suspension.

D. Program Documentation

An inventory of available programs, including Native programs, is not kept by CSC except for the Case Management Manual which is equipped with a program matrix which also lists programs such as Native counselling. It is not known if this is maintained on a regular basis.

1. **Psychological Services Data**

   a. Inmate Psychological Files:

   Statistics relating to the participation, outcome and affects of Native involvement in psychological services are kept. These files are considered confidential and access would require the written permission of CSC and written permission of the inmate, if research were to be undertaken.

   b. Program Participation Data:

   Recently an inventory on substance addiction/abuse programs was prepared by Psychological Services.

   In most cases, it would appear that program participation data are kept at the institutional level and that the methods of recording may vary somewhat from institution to institution and program to program. Statistics, such as quarterly reports which reach regional and national headquarters, may vary in format, may not include reference to individuals and, in no case, reference to race. Thus, data extraction would, at best, involve a manual process to link-up program data with participants, external to specifically Native-oriented programs. Many programs are community-run or community-based and record keeping procedures and actual content may vary significantly. Evaluation of these data would have to be done on a case-by-case basis.

   c. Suicides/Self-Inflicted Injuries

   Data on all suicides and reported self-inflicted injuries are available at National Headquarters. These data are available by name and FPS number and it would be relatively easy to determine the number of Native inmates involved. These data are available on an annual basis.

2. **Education Data**

   a. Program Documentation:

   In addition to its regular education programs in which Natives and non-Natives participate, CSC has developed a policy to offer special Native education programs. Presently, actual program activity is limited to the Pacific Region where one full-time Native person gives basic courses in Native culture.

b. Program Participation Data:

In addition to participation data available on specific courses designed for Natives (which may be kept in varying formats), CSC maintains a student record system and a manually compiled quarterly report on student enrollment. Inmate education levels on incarceration and performance in education programs related data would have to be extracted from individual files.[43] At present, an education and training information system (ETIS) is being developed. This system would be a school transcript document listing the student name, birthdate, language of preference (English/French only), but not the race. It would be necessary to collect racial data manually.

3. Employment Data

a. Program Documentation:

CSC operates a number of employment programs in its institutions such as institutional industries, automated document processing, agriculture and institutional maintenance.

b. Program Participation Data:

CSC maintains statistics on inmate employment, however, this is not broken down by race. Native/non-Native participation in employment programs would have to be extracted from inmate files.

4. Community Release Data

Data on community releases are available through the automated and manual sources listed above. Other community release data may be kept by community-based organizations which deliver services to inmates in institutions. A recent study of one such program which relates specifically to Native inmates, the Native Liaison Program, indicated that, although there is some qualitative and quantitative information available, not all agencies collect the same information.[44]

E. National Parole Board

1. Manual Files

In addition to conditional release information maintained in OIS, the National Parole Board maintains regional file repositories in Halifax, Montreal, Kingston, Saskatoon and Vancouver. Information in these files is similar to

those kept in the CSC central registry file, with the addition of all Parole Board application/decision related material. These files are believed to be generally more complete than CSC Headquarters files. Documents likely to be included are:

a. Admission form;
b. FPS Report;
c. Community Assessment;
d. Penitentiary Place Report;
e. Psychological Services Reception Assessment Report;
f. Progress/Summary;
g. Transfer form/Warrant;
h. Parole Application/Decision/Release Record;
i. Temporary Absence Application/Decision/Permit Record;
j. Quarterly Supervision Reports;
k. Supervision Special Reports;
l. Notification and Warrant for Suspension.

2. Automated Parole Information System (APIS)

In addition to the NBP components within OIS, the NPB is developing an automated parole information system. Essentially, this database will be used as a management information tool to establish and manage inmate event dates relating to parole. CSC and NPB are in the process of implementing a communication link which will allow electronic data transfer from CSC to NPB and vice-versa.

Documentation on this system indicates that race will be a variable within this system and that it will be possible to produce cross-tabulations for items such as comparative parole application, waiver and withdrawal rates. NPB is now producing a series of annual reports by race (Native/Non-native) for the Prairies region where the Native population is significant.

F. Summary

This Chapter has reviewed the data sources held by The Correctional Service of Canada (CSC) and the National Parole Board (NPB).

CSC's Operational Information System (OIS) holds information on all federal inmates incarcerated since 1970. OIS provides demographic, offence, institutional experiences and conditional release data. OIS is in the process of documenting and preparing an inventory of all CSC automated systems, which will facilitate access to data.

A concern is the accuracy of racial origin data within OIS. Recent reports suggest that the Native population is seriously undercounted. There are also concerns about the consistency of data collection methods at intake. The Native and Female Inmate Directorate is currently standardizing the definitions of Native status. It is hoped that this will improve the quality of new admissions data.

Although OIS data represents the most complete source of information on Native inmates, there are apparent weaknesses. For example, pre-carceral information is not captured. Key missing variables include the involvement of drugs/alcohol in the offence, offence location, offender residency at time of arrest and offender criminal career history. This information may be available within other manual sources such as inmate files held in the CSC central registry and in inmate files held in the institutions.

The possibility of an OIS/FPS link is being pursued. Such a link would enable researchers to more fully examine offender criminal career histories.

Program documentation and program participation data are also unavailable. Conditional release data are available through OIS in addition to NPB manual files. The NPB is developing a management information system (APIS) which may enable researchers to more closely examine comparative parole applications, waiver and withdrawal rates.

CHAPTER 7 - SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

A. Contextual Databases

The primary sources identified in this project include Statistics Canada, the Canadian Centre for Justice Statistics, Indian and Northern Affairs Canada and Health and Welfare Canada.

Statistics Canada, primarily through census data and other administrative data sources, can provide a wide range of information on Native people at national, provincial and discrete sub-unit levels. The 1981 Census data are more comprehensive in coverage. Through a newly established target group program, it is expected that possibilities to extract and integrate disparate data sources will be enhanced.

Indian and Northern Affairs Canada can provide data in a variety of formats on the On-Reserve Status Indian population. An additional research resource on all categories of Native people is also available through special cross-tabulations commissioned from Statistics Canada by INAC, which are based on census data.

The National Native Alcohol and Drug Abuse Program, administered by Health and Welfare Canada, can provide regional data on the use and affects of alcohol in Indian reserve communities and, to a limited degree, within other Native community settings.

B. Urban/Rural Crime Patterns

Existing data sources, including the Canadian Centre for Justice Statistics, the RCMP and other law enforcement agencies, can only provide a narrow view of Native crime patterns. Essentially, these refer to on-reserve crime patterns (using the CCJS Uniform Crime Reporting data), and homicide patterns (using the CCJS Homicide Program data). Nor are sources at other levels of criminal justice processing (such as the Courts, probation and correctional institutions) currently capable of providing this information.

C. Native Young Offenders

The Young Offenders Act will result in a number of changes to existing information, and the development of information systems to reflect federal and provincial information systems is underway. It was not possible to determine whether

systems, presently or in the furture, will collect racial origin data. It is, however, recognized that federal authorities require this information.

D. Native Inmates in Federal Institutions

Federal data sources principally available through the automated and manual information systems of The Correctional Service of Canada (CSC) and the National Parole Board (NPB) are capable of yielding a wide range of information on the pre-carceral, carceral and post-carceral experiences of their Native and non-Native populations and are the most comprehensive information base. However, there are weaknesses in the information base. Of primary concern is the accuracy and reliability of the racial origin data.

E. Conclusions

A major problem for research is the relative absence of sound data on racial origin. Only two sources, Statistics Canada and federal corrections (CSC) consistently collect racial origin data.

It must also be recognized that collection methodologies vary between these two sources, with Statistics Canada's procedures, limitations and parameter of error being well-defined, and CSC's procedures largely undocumented. This hampers significantly the reliability of any correlations between the two sources.

Racial origin data are not consistently collected at other levels of criminal justice processing for the following reasons:

1. concerns voiced by legal and criminal justice officials about the need to foster unbiased decision-making throughout criminal justice processing, and the belief that documenting racial origin status will jeopardize this principle;

2. concerns about the individual's right to privacy and the legitimacy of asking for this information; and

3. the uncertainty about the impact of Section 15 of the Canadian Charter of Rights and Freedoms.

Thus, a central problem for Native justice research is the lack of a clear mandate for information to be collected.

FOOTNOTES

1. Haveman, P. et. al., Law and Order for Canada's Indigenous People. (Programs Branch User Report No. 1984-07.) Prepared under contract to the Research Division of the Ministry of the Solicitor General Secretariat, Ottawa, 1984.

2. LaPrairie, C. and Craig, B., Native Criminal Justice Research and Programs: An Inventory. (Programs Branch User Report No. 1984-8.) Ottawa.

3. See Statistics Canada. Data Quality: Total Population, and Data Quality: Sample Population Canada, The Provinces and the Territories: A Statistical Profile. Essentially, this source represents an undercount of the Native population, particularly due to the erroneous inclusion of 5,000 Indo-Pakistanis or other origins in the database; the exclusion of approximately 10,000 non-Native women who are legally Status Indians; the exclusion of 5,200 Native people in institutions; a reporting of 1,000 Micmac Indians in Newfoundland, although they do not appear on Indian registers, and non-response from the following reserves: Big Cove (New Brunswick), Kanawake (Quebec), Constance Lake (Ontario), Stoney (Alberta), Peigan (Alberta) and Cowichan (British Columbia). In addition, the Native Council of Canada has disputed the Statistics Canada figure as a serious undercounting of all non-status sectors of the Native population. ("Métis Dispute Population Total", in The Citizen, Ottawa, February 3, 1983.)

4. See Ministry of the Solicitor General, Review of Consultative Papers on the Impact of the Young Offenders Act on Native Juveniles. Prepared under contract by Lilith Research Consultants, Ottawa, July 6, 1984.

5. Haveman, et. al., op. cit.

6. Newby, Liza. Native People of Canada and the Federal Corrections Systems: Development of a National Policy - A Preliminary Issues Report. Prepared under contract to the Policy Division, Policy, Planning and Administration Branch, CSC, Ottawa, December 1981.

7. The Research Group (C. Canfield and L. Drinnan). Comparative Statistics - Native and Non-Native Inmates - A Five-Year History. Prepared under contract to the Policy Division, Policy, Planning and Administration Branch, CSC, Ottawa, December 1981.

8. Moyer, et. al. Native Sentencing in Canada: An Analysis of Custodial Admissions (draft in progress, page 5.2). Ottawa: Research Division, Ministry of the Solicitor General Secretariat, January 15, 1985.

9. Ibid.: page 34

10. Wormith, J.S., Borzecki, Mark and Black, Walter. Norms and Special Considerations for MMPI Administration with Incarcerated Native Offenders. (Programs Branch User Report No. 1984-05.) Ottawa: Ministry of the Solicitor General Secretariat, 1984.

11. The recent Report of the Advisory Committee to the Solicitor General of Canada on the Management of Correctional Institutions (The Carson Report) noted: "Native offenders are removed from their tribal areas and culture and forced to adapt to prison conditions designed for a non-Native population. The alienation and resentment which results can often lead to violence", page 50. Interestingly, a 1976 pilot summer project, entitled "A Study to Measure the Dangerousness of Native Offenders" was undertaken by the Chief of Community Relations and Special Programs in conjunction with the Chief of OIS/Canadian Penitentiary Service and the Ministry Research Division. This project consisted of a file review of Native/non-Native inmates by offence and other socio-demographic variables. The outcome of this study is not known, as apparently no final report was issued. Rahim, M.A. Guide to Statistics on Native Offenders. Ottawa: Ministry of the Solicitor General of Canada, August 1977, page 22.

12. See Canfield, Newby, op. cit., and Ministry Working Group on Conditional Release. Solicitor General's Study of Conditional Release. Ottawa: Supply and Services Canada, March 1981.

13. LaPrairie, C. "Criminal Justice and Socio-Demographic Data on Native Women", op. cit. and "Native Women and Crime", Perception, Vol. 7(4): pages 25-27.

14. As defined as immediate family, other kinship and common-law relationships. See Statistics Canada, Homicide in Canada: A Statistical Synopsis, Catalogue No. 4-2400-502. Ottawa: Ministry of Industry, Trade and Commerce, June 1976, pages 86-87.

15. Under the Juvenile Delinquents Act, various age parameters were in force throughout the jurisdictions. As of April 1, 1985, consistency and conformity became operational throughout Canada.

16. According to Statistics Canada, only 20% of those Native peoples living in urban centres lived in cities of more than 100,000, therefore the experiences of Native people in smaller urban centres and towns must be documented. Statistics Canada, Canada's Native People, op. cit.

17. Note that there may be other racial dimensions which the Ministry would like to explore, however, it is beyond the scope of this present study to identify or recommend appropriate categories.

18. The 1971 Census did not consider provisions for persons of mixed Native ancestry; the 1951 and the 1961 Censuses counted persons of Native ancestry only if they lived on-reserve; the 1941 Census sought to identify mixed Native ancestry; the censuses from 1911 to 1931 did not isolate persons of mixed ancestry. See Statistics Canada, 1981 Census Total Population.

19. With exceptions being the censuses from 1911 to 1931, see Statistics Canada, Native Peoples Tape/Microfiche Documentation, pages 66-68, for a discussion of how ethnic origin relating to Natives was defined for census purposes, in addition to the 1981 Census Dictionary and 1981 Data Quality: Sample Population for more in-depth discussion.

20. See Native Peoples Tape/Microfiche Documentation, op. cit. page 66.

21. The possibility of including the inmate population in the 1986 Census is presently under discussion.

22. It is noted that isolated data at the reserve level may be subject to a degree of error, due to random rounding on the last digit of every cell of tabulation produced for use outside of Statistics Canada. This process was implemented to ensure the confidentiality of respondents. In addition, data at lower levels of aggregation, in respect of confidentiality and also concerns about reliability, may be suppressed entirely. This may affect the availability of reserve level data.

23. Canadian Centre for Justice Statistics. Background Paper: Demographic Composition and Demand for Justice Services (draft). Prepared by Lakaski, C.M., CCJS Integration and Analysis, Ottawa, March 1984.

24. Statistics Canada. Canada's Native People, op. cit.

25. Report on Study to Assess Needs for Alcohol and Drug Abuse Treatment and Prevention Programs for B.C. Natives (prepared under contract to Nuu-chah-nulth Tribal Council by Adams, Egan and Shearer Planning Consultants); Regional Needs Assessments (draft, prepared by The DPA Group for the Union of New Brunswick Indians); Yukon NNADAP Problem Statement and Needs Assessment Respecting Alcohol and Drug Abuse (draft, prepared under contract by the Rutland Consulting Group, June 30, 1984).

26. LaPrairie, C. and Craig, B. Native Criminal Justice Research and Programs: An Inventory. (Programs Branch User Report No. 1984-08.) Ottawa: Ministry of the Solicitor General, 1981.

27. See Hann, R. Historical Trends in Custodial Sentences: Project Description (Part 1) (draft, prepared under contract with the Ministry of the Solicitor General of Canada, Ottawa, October 1984); and Sentencing Impact Study: Toronto and Federal Site Descriptions. (Prepared under contract with the Ministry of the Solicitor General of Canada, Ottawa, April 1984.)

28. Statistics Canada. Crime and Traffic Enforcement Statistics, 1982. Ottawa: Supply and Services, Catalogue No. 85-205, March 1984.

29. This refers to unreleased material and it is noted that no analysis of the data, and no evaluation of the procedure, were provided in the material received. The example is cited solely to demonstrate the potential use of the combined data sources and it is recognized that the procedure would have to be subject to further assessment.

30. See Statistics Canada. 1981 Census Dictionary: Summary Guides and Data Quality, op. cit.

31. Statistics Canada. Homicide in Canada: A Statistical Synopsis. Catalogue No. 4-2400-502. Ottawa: Ministry of Industry, Trade and Commerce, 1976.

32. Ibid., pages 86-87.

33. LaPrairie, C. and Craig, B., op. cit.

34. This will involve forms revision, however, the exact nature of the changes are not presently known.

35. The numbers were as follows: Winnipeg 91/581 (15.66%); Edmonton 29/250 (11.90%); Alberta Circuit Courts 27/83 (32.53%); Vancouver 19/347 (5.48%).

36. Silverman, R.A. National Study of the Functioning of the Juvenile Court: Edmonton - Descriptive Site Report (draft: December 1984, prepared under contract to the Ministry of the Solicitor General of Canada). The study has also recommended that the data be re-analyzed using Native status as an independent variable.

37. The OIS database may hold some data on offenders released on parole prior to 1970, if their warrant expiry dates were greater than 1974 at the time of the NPSIS conversion in 1981.

38. OIS Data Element Dictionary.

39. The Correctional Service of Canada. The Native Liaison Program: A Review. (Prepared under contract to CSC by Elizabeth Lane. Whitehorse, Yukon, September 1983.)

40. A CSC evaluation study of the Family Visiting Program found discrepancies between OIS recoded and subsequent inmate interview data in 103 of 318 cases. The Correctional Service of Canada, An Evaluation of the Private Family Visiting Program, (prepared under contract by the Bureau of Management Consulting. Ottawa, July 1983).

41. Op. cit., (prepared under contract by The Research Group for the Policy Division of the Policy, Planning and Administration Branch, CSC, Ottawa, December 1981).

42. The format of the files of federal inmates incarcerated in provincial institutions is not known.

43. The Evaluation and Special Projects Unit of the Policy, Planning and Administration Branch of CSC is currently planning an evaluation of the education program which has indicated this. (Note: it is expected that race will be a variable in this study.)

44. The Correctional Service of Canada. The Native Liaison Program: A Review, op. cit.

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